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A

VINDICATION

Of a Book, intituled,

A BRIEF ACCOUNT of many of
*the Prosecutions of the People
called QUAKERS, &c.*

PRESENTED to the
MEMBERS of both Houses of
PARLIAMENT:

In ANSWER

To a late EXAMINATION thereof, so far as the
CLERGY of the Diocese of CANTERBURY
are concerned in it.

With an APPENDIX,

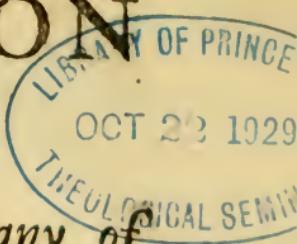
Demonstrating, that *Tithes* are an Oppression to
the *Husbandman*, a Burden too heavy for *Him*
to bear, and *undoeth* many.

[Joseph Bessen.]

Truly ye bear Witness that ye allow the Deeds of your
Fathers. Luke xi. 48.

L O N D O N:

Printed and Sold by T. SOWLE RAYLTON and
LUKE HINDE, at the Bible in George-Yard,
Lombard-street, 1742.



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E R R A T A.

- Pag. 13. l. Ult. for *Professions* read *Profession*.
Pag. 28. l. 13. Read *wherefore*.
Pag. 50. l. 23. after *of* read *the Clergy of*.
Pag. 73. l. 17. for *condemning* read *contemning*.
Pag. 85. l. 32. for *severe* read *severer*.
Pag. 87. l. 19. for *are* read *is*.
Pag. 162. l. 4. Read *when I say*.

A

VINDICATION

Of a B O O K; intituled,

A B R I E F A C C O U N T of many of
the Prosecutions of the People called
QUAKERS, &c.So far as the C L E R G Y of the Diocese of
C A N T E R B U R Y are concerned in it.*The INTRODUCTION.*

WE have now before us the Eleventh Pamphlet, which the Advocates, pretendedly for, really against the Clergy, have publish'd on the present Controversy: 'Tis intituled, *An Examination, &c. so far as the Clergy of the Diocese of Canterbury are concerned in it.* The Brief Account of Prosecutions, by the Fewness of the Cases in so many Years, within that Diocese, did sufficiently justify the general Conduct of the Clergy there, which therefore did not stand in need of

A

this

this Author's *Defence*, whose Method of palliating particular Acts of Oppression, under the Umbrage of a *Defence* of the *Clergy* in general, casts an unmerited Imputation on the *Characters* of many of those whose *Cause* he would seem to advocate.

The *Examiner*'s grand Design appears to be, that of irritating the Government against the *Quakers*: This, with thinking Men, is a manifest Symptom of a distressed Cause, and an Indication, that, while the Advocates of the *Clergy* have the Vanity to proclaim their own Writings * *unanswerable*, themselves don't think so: For, the Power of the *Magistrate* is a Weight which the *Clergy* do not usually throw into the Scale, till they see that *TRUTH* is turning its Balance against them.

But the *Venom* of the Author carries with it its own *Antidote*, and the *Malice* of his *Purpose* is allayed by the *Weakness* of his *Reasoning*, founded in Absurdities, while he attempts to represent a *Principle* of *Peace* as destructive to *Society*, and those *Persons* as dangerous to *Government*, who are with-held by *Principle* from resisting it; and treats the *Quakers* as injurious to the *Ministers* of the *Gospel*, for no other Reason than a *close Adherence* to its *Precepts* respecting their *Maintenance*.

A particular *Enquiry* into the *Nature* and *Tendency* of his *Discourse*, is the Subject of the following *Sections*.

SECT.

* *Examination*, pag. 22.

S E C T. I.

The EXAMINER's Introduction, and his pretended Examination of the QUAKERS Scruples of Conscience, consider'd.

THE first Sentence of his *Introduction* intimates, that "the Hardships the Quakers complain of, arise from their own Behaviour." Had he consider'd that *Behaviour* in its proper Light, *viz.* as arising from *Conscience* directed by *Scripture-Precepts*, a due *Regard* to the *Obligation* of those *Precepts* might have restrain'd him from justifying Hardships inflicted for obeying them: Hardships, which arose, not from their own Behaviour, but that of their *Prosecutors*, whom, the *Quakers* Refusal of their Claims, did not lay under any *Necessity* of chusing the most severe and rigorous Methods for recovering them.

He mentions, pag. 2, the *Quakers* "Petition to the Legislature," the Substance of which is more fully expressed in their printed Case, in these Words, *viz.* That "notwithstanding the summary Method provided, there have been prosecuted in the Exchequer, Ecclesiastical and other Courts, for Demands recoverable by the said Acts, above Eleven Hundred of the People called *Quakers*, of whom, near Three Hundred were committed to Prison, and several of them died Prisoners.

“ These Prosecutions, though frequently com-
 “ menced for trivial Sums, from *four Pence* to
 “ *five Shillings*, and great Part of them for Sums
 “ not exceeding *forty Shillings*, have been at-
 “ tended with such heavy Costs, and rigorous
 “ Executions, that about *Eight Hundred Pounds*
 “ have been taken from *Ten* of them, where the
 “ original Demand did not amount to *fifteen*
 “ *Pounds.*”

Concerning the Authors of such ruinous and destructive Prosecutions, 'tis, we think, very justly observ'd, in the *Preface* to the *Brief Account*, “ That Men professing *Christianity*, and “ some of 'em to be *Ministers of the Gospel of PEACE*, should, by unnecessary and expensive “ *Law-suits*, sacrifice their own Quiet and Inter-“ rest to the Oppression and Ruin of their Neigh-“ bours, has been Matter of Surprize to generous “ *Minds.*” *Vain* and *empty* are Men's *Pretences* to *Christianity*, so long as their *Actions* transgress the Rules of *common Humanity*.

The *Examiner* is pleas'd to call our *conscientious Scruple against the Payment of Tithes, &c.* a “ *specious Pretence of Conscience*,” but produces neither Scripture nor Reason to shew that it is not a *religious Reality*: But 'tis observable, that the *Inflicters of Hardships for Conscience* may not admit even her best grounded Scruples to be real, lest, by so doing, they should remove the only *specious Pretence* for their own reasonless Severities.

“ It will not, *says the Examiner*, pag. 3, be “ thought foreign to the Examination of the “ *Brief Account* —— to consider previously,
 “ and

" and enquire into the Foundation of such of
 " their Scruples, whereby the Safety of the Na-
 " tion, or Property of the Clergy of the Church
 " of England in general, may be affected."

Whatever the *Examiner* may think, it will nevertheless be thought by others, that an Enquiry into the *Quakers* Scruple, respecting *Bearing of Arms* and *Fighting*, is altogether foreign to an *Examination* of the *Brief Account*, respecting Prosecutions for Tithes, and that such a *Scruple* hath no manner of Relation to that *Account*; but is insisted on by him, with a *Design* of incensing the Government against the *Quakers*, by misrepresenting their *Principles* as " inconsistent with the " Good of Society," " tending to the Subversion of Government,†" and " letting in a " Deluge of Misery and Desolation; || " their Persons, as unworthy " of the Benefit of the " Laws,**" or of " Favour in common with " the Rest of their Fellow Subjects; †† " and " their Consciences, such, as " can claim no Indulgence from the Government. |||| " Such virulent Expressions, diffused up and down his Pamphlet, prove nothing, but that the Author's Heat has the Ascendant of his Reason, and will probably be regarded by considerate Readers, as an injurious Reflection on their Judgment, by supposing them capable of accepting Railing for Reason, and Clamour for Confutation.

His blending together the Safety of the Nation, and the Property of the Clergy, may be construed

* *Examination*, pag. 3. † *Ibid.* || pag. 7.

** pag. 4. †† pag. 8. ||| pag. 9.

strued to the *Clergies* Disadvantage; for such a Connexion of the general Safety with the particular Interest of a single Branch of the Community, naturally conveys a Suggestion of Danger from that Part, whenever they suppose that particular Interest affected: A Suggestion, for which the *Loyal Sons* of the *Clergy*, who found their Allegiance to the Government on Obligations of *Christian Duty*, superior to the narrow Views of *Self-Interest*, are as little oblig'd to the Prudence of their pretended Advocate, as the *Quakers* are to his *Charity*, in censuring their *Scruples of Conscience* as "void of common *Honesty*,"* while himself is so void of *common Modesty*, as to call, a *plain Account* of evident Facts, "mere Surmise only; †" and to confront the *most open and manifest Truths* with a confident Imputation of "downright *Falshood*.||"

The *Quakers* Writings fully demonstrate, that those *Principles* of theirs, which this *Author* traduces, have a real Foundation both in *Scripture* and *Reason*: And whatever Principles are so founded, do most effectually contribute to the Support and Establishment of Civil Government, and to the Security of every Man's Right and Property.

The *Examiner* proceeds, pag. 3, 4. "If any particular Part of the Community shall, in either of these Cases, set to themselves a different Rule of acting from that which is the General Law, they arrogate thereby to themselves

* pag. 3.

+ Ibid.

|| Ibid.

" selves a separate Legislature, they set them-
 " selves up as an Independent State, whilst at
 " the same time they claim and enjoy the Bene-
 " fit of all other Laws in common with the rest
 " of the Subjects." To the same purport he also
 cites, pag. 7, 8, a Paragraph from the *Examination*,
 &c. in Behalf of the Clergy of the Diocese of *Lon-*
don, viz. "That the *Quakers* are known to be a
 " People, who have a Sort of national Govern-
 " ment within themselves. They have their
 " stated Meetings within particular Districts in
 " the Country : And in *London* a Yearly Meet-
 " ing of Deputies or Representatives from all
 " Parts of the Kingdom, to treat of the general
 " Concerns of the Body; and a Committee of
 " particular Persons, residing in or near *London*,
 " to maintain a constant Correspondence with
 " their Brethren all over the Kingdom." Upon
 which he thus exclaims, pag. 8. " How dan-
 " gerous may this Union be, where their Con-
 " science sets different Rules from the publick
 " Weal ! When they take upon themselves to
 " direct in Matters contrary to the Laws of the
 " Land, and to exhort their Followers to stand
 " faithful in their *ancient and Christian Testimony*
 " against what those Laws command : Whilst
 " they are thus assembled without the King's
 " Writ, promulge and put in Ure their Consti-
 " tutions, without his License or Assent, and in
 " Contempt of his Supremacy !"

Here's a vehement Outcry of Danger : But
 from whence? From the publick Meetings of
 an harmless and inoffensive People, assembled
 for no other End than the Practice of *pure and*
undefiled

undefiled Religion, viz. To visit the Fatherless and Widows in their Affliction, and to keep themselves unspotted from the World. James i. xxvii. The Cause assign'd by the Examiner himself is perfectly innocent, viz. that they " exhort their " Followers to stand faithful in their ancient and " Christian Testimony," he adds, " against what " those Laws command," but they say, " against " what Christ's Gospel forbids." His Precepts are their Rule of Acting in Religion; from which they are not to be mov'd by this Examiner's teaching for *Doctrines the Commandments of Men.* The Objection of the Quakers making *Laws to themselves*, is but an *Old Calumny* long since confuted: " As we are not, (says a * Writer of their Perswasion) a People whose Principle is to make Laws, without the Leave of our Superiors; so it never was, nor is our Practice. We are a Religious and Christian Society, and as such, we have our Meetings in the Name of Jesus Christ, whose Presence is in the midst of us, as we in Humility wait upon the Lord. And as all Societies have some Laws or Orders for the Government thereof, so have we; but we do not assume to our selves a Power to make them. That which we do, is, as George Whitehead says, ** " To see those put in Practice, which Christ our Head and Law-giver hath taught us, and revealed to his Servants, and that agreeable to the Holy Scriptures

* Richard Claridge in his *Melius Inquirendum*. Printed Anno 1706. pag. 128. ** *Truth and Innocency vindicated*, pag. 41. 42.

" tures of Truth, and no ways injurious to the
 " outward Government; but for the promoting
 " of Truth and Righteousness in the Earth, and
 " as Fellow-helpers in Christ, provoking one
 " another to Love and good Works." A Liber-
 ty of assembling together for such righteous and
 religious Purposes, is, we think; naturally includ-
 ed in the Toleration, for the free Exercise of our
 Religion, granted by the Government: For, as
 the present *Archdeacon* of *Lincoln* judiciously ob-
 serves, " * A free Consideration of the State of
 " Religion is essential to a free Profession of it;
 " insomuch as in the several Treaties between
 " the *Reformists* and the Princes in *Germany*,
 " the *Netherlands*, *Bohemia*, *France* and *Sco-
 land*, the Right to consider of the Interest of
 " the Religion professed; was understood as an
 " Incident to the Liberty or Allowance of that
 " Profession."

If the *Quakers* meeting together for such Re-
 ligious and Christian Purposes, be what the *Ex-
 aminer* means by " setting themselves up as an
 " Independent State," 'tis incumbent upon him
 to justify that Reflection, by demonstrating, that
 the *Christian Religion* is a State *dependent on
 Human Laws*; which when he shall have un-
 dertaken, the World may judge of his Perfor-
 mance.

Who they are that " arrogate to themselves
 " a separate Legislature, exercise an assumed
 " Power of Jurisdiction prohibited by the King's
 B " Laws,

* See a Letter to Dr. Lisle, *Prolocutor to the lower
 House of Convocation.* Pag. 42, 43.

" Laws, and promulge Constitutions without his
 " License, or Assent, and in Contempt of his
 " Supremacy," the Quakers know, and have
 been very great Sufferers by. Let the *Examiner*
 reconsider this Matter, and we doubt not but he
 will meet nearer Home with Persons to whom
 those Imputations more properly belong. The
 Letter, by us last cited, will inform him,
 " * That the Rules of Proceeding in *Ecclesiasti-*
cal Courts, are nothing more or less, than the
 Sophistications of the Canon-Law reduced into
 Practice." And that, " the Rules of Practice
 for *Ecclesiastical Courts* were — INTENDED
 FOR INSTRUMENTS TO INSLAVE MANKIND."
 That so wicked an Intention has not been per-
 fectly accomplished, is owing, not to the Favour
 of Ecclesiasticks, but to the Restraints impos'd on
 them by the Laws of the Land, and the Inter-
 position of the Secular Magistrate.

The *Examiner*, pag. 4, tells us, that " the
 Pretence of Conscience in Matters of *meer civil*
Right is vain," but what he means by *meer ci-*
vil Right is not well explain'd; nor is that
 Term properly applied to the Points in Debate
 'twixt him and us, which relate only to *Matters*
of Religion, and Obedience to Christ's Precepts,
 and to the Doctrines of his Gospel; which Pre-
 cepts and Doctrines are the Foundation of our
 Principles by him opposed. He observes, that
 " the Gospel-Liberty does not exempt us from
 " the Obligation to Human Laws," and might
 as justly have observed, that *Human Laws do not*
exempt

* Letter, Pag. 20. 21.

exempt us from the Obligation of Obedience to Christ's Precepts; Precepts, which never advance any thing inconsistent with "any particular Duty we owe the Publick, or any particular Branch of private Property." Whoever therefore, under the specious Pretence of either of these, shall urge the Practice of what those Precepts forbid, must have entertain'd erroneous Notions concerning both. For Christ's Precepts always "tend to the publick Good," and the closest Adherence to them is the firmest Bond of Community.

The *Quakers*, says the *Examiner*, pag. 5, "openly teach and avow, "That it is not lawful for Christians to resist Evil, or to War or Fight in any Case." And does not Christ himself teach the very same Doctrine, Mat. v. 38. to the End of the Chapter? The *Quakers* think it impossible to reconcile the Precepts laid down by Christ with the *Practice* of Wars; and for that Reason they refuse to bear Arms or fight. This their Obedience to Christ's Precept they think very consistent with their "being faithful, and bearing true Allegiance to the King: They declare that they are his loyal and obedient Subjects;" and their Principle of *not bearing Arms*, is an effectual Security of their peaceable Demeanour toward his "Person and Government."

But the *Examiner*, while he plainly *confesses* the Christianity of this Doctrine, by acknowledging, that "if all the World was Christian, and that all Christians followed the Rules of their Professions, Wars would then cease," nevertheless

impeaches the same Doctrine as injurious to the
 " publick Safety," and " letting in a Deluge of
 " Misery and Desolation." Had he really be-
 liev'd what Christ hath declared of himself, that
All Power in Heaven and in Earth is given unto him, Mat. xxviii. 18. he would never have said,
 that " distinct States and Kingdoms CANNOT be
 " supported against the Encroachments and In-
 " vasions of others, but by War, and repelling
 " Force by Force." An Expression, most un-
 warrantably limiting the Almighty Power to the
 Use of Means which Christ hath forbidden. An
*Obedience to Christ, and a Dependence on his
 Power, never lead Men into such Absurdities.*

As then the *Quakers* firmly believe, that *Wars*
 are prohibited by Christ: So they also believe
 the Supreme Power and Sovereignty of the Al-
 mighty; and that, as the Scriptures declare, *the
 most High ruleth in the Kingdom of Men, and giveth
 it to whomsoever he will.* Daniel, iv. 25. That
 Power and Might are his, and he changeth the
 Times and the Seasons; he removeth Kings and set-
 eth up Kings, Dan. ii. 2. And that, *The Powers*
 * *that be, are ordained of God: Whosoever there-
 fore resisteth the Power, resisteth the Ordinance of
 God.* Rom. xiii. This their *Christian Principle*,
 which forbids their *Resistance* of any Government,
 effectually secures their *Allegiance* to that under
 which they live: While the contrary Principle,
 which admits the Use of Arms, and allows Men
 to resist a Government they dislike, renders the
 Assurance

* *ai vtau Εγενεται, The existing Powers.*

Assurance of their *Fidelity* to any other, as *precarious*, as their own *Approbation* of its Conduct.

But seeing this false Alarm of Danger to the Government from a Principle of Peace, is founded in a pretended Defence of the Clergy, permit us to query, Whether an *Exemption* of the *Quakers* from Military Services, which they believe *unlawful*, be not as reasonable as an *Exemption* of the *Clergy* from the same Services, which they hold *lawful*? Is not the *Christian Principle* of the former as good a Security to Government as the *Human Policy* of the latter? It has been observed by a * Writer, who had been formerly of their own Order, that "They (*the Clergy*) are exempted from Military Services, both by the Pope's Canon-Law, and the Laws of the Land, but *Quā Scripturā*, by what Scripture are they exempted more than other Persons? Piety is indeed pretended by them, but the real Design seems to have had its Rise from Policy, tho' covered with the Cloak of Religion. And that which was their Policy at first, in process of Time became their Privilege, and now they claim it as a Right appertaining to their Order; whereby they shelter themselves from those dangerous Storms, which many of them are not wanting to stir up others to run into. *Erasmus* made the Observation in his Time, in a Dialogue between " *Georgius*

* R. Claridge, in his *Melius Inquirendum*. pag: 124. 125.

" Georgius and Livinus. * *Li.* There are some
 " Divines, saith he, that blow up the Coals, and
 " found an Alarm to these Tumults. *Geo.* I
 " would set these Men in the Front of the Bat-
 " tle. *Li.* But they take Care of their own
 " Safety.

" As for our Parts, (*viz.* the *Quakers*) in that
 " we decline all Wars and Fighting with carnal
 " Weapons, we are not acted by any worldly
 " Policy, but moved by true Piety towards God,
 " and sincere Love to our Neighbour; not to
 " ease or save our Bodies from Danger, but to
 " keep our Consciences void of Offence both to-
 " wards God and towards Men. For seeing
 " Christ hath commanded us to love our Ene-
 " mies, we believe it is our Duty to do nothing
 " that is inconsistent therewith."

But says the *Examiner*, pag. 6. " The Laws
 " of Nature, and of Self-Defence still remain;
 " nor do we cease to be Men by becoming Chris-
 " tians." The *Quakers* say nothing against the
Laws of Nature, nor of *Self-Defence*, so far as they
 are consistent with the Observation of Christ's
 Precepts; which, they believe, *Wars* and *Fight-
 ing* are not: Nor do they proceed from the *pure
 Nature* of Man, but from his Corruptions and
 Depravities: *Whence*, says the Apostle, *come Wars
 and Fightings among you?* *Come they not hence,
 even of your Lusts?* James iv. 1. *Christianity*

* *Li.* Non desunt Theologi qui frigidam suf-
 fundant, & ad hos Tumultus Classicum canant.
Geo. Istos ego Statuerim in primâ acie. *Li.* At illi
 sibi cauent post Principia. *Erasmi Coll.* percontandi
 reducem.

nity is a State of the *most perfect Humanity*. Its Precepts of *loving Enemies, and of rendering to no Man Evil for Evil*, are adapted to restore *Human Nature* to its *highest Perfection*; and by forbidding the Effects of *Mens Lusts* and *inordinate Affections*, would remove the Causes which produce them, and which are also forbidden. Absurd and weak therefore is the *Examiner's Remark* of “ ceasing to be Men, by becoming Christians,” by which, from the *Advancement* of Human Nature to its *highest Perfection*, he would infer its *Annihilation*.

The Case of the Magistrate's exerting his Power for the Punishment of Evil-Doers, is not parallel to that of *Wars* and *Fighting*; the Gospel of Christ, which enjoins Subjection to the *One*, having forbidden the *other*.

“ According to them, (viz. the *Quakers*) says the *Examiner*, pag. 6, 7. Should an Enemy, a Pretender to the King's Crown and Dignity, invade his Realms, his faithful Subjects, who would sacrifice their Lives and Fortunes in Defence of his Royal Person and Family, and therein of our Religion, Laws and Liberties, must either basely desert his Service, or forfeit their Title to Christianity.” This is either a weak Mistake, or a wilful Misrepresentation: For, the *Quakers* do not infer the “ *Forfeiture of Men's Title to Christianity*,” from any particular *Act of Disobedience*: Nor are they so uncharitable as not to make reasonable Allowances for the Diversity of Men's Understandings. To themselves indeed, who are fully persuaded that Christ's Precepts absolutely forbid all Wars and Fighting,

Fighting, the Practice of them would be undoubtedly sinful: But they pass no Censure upon other Men, who may have been taught to accept those Precepts in a more limited Construction, and may think the Prohibitions therein less extensive: Those who are so persuaded, and act accordingly, the *Quakers* judge not; for could they themselves be of like Sentiments, that *Wars are lawful*, they should esteem, what the *Examiner* mentions, to be a very justifiable Cause of them, *viz.* "In Defence of the King's Royal Person and Family, and therein of our——Laws and Liberties." We leave out the Word *Religion*, which we suppose the *Examiner* inserted thro' Forgetfulness of what he had told us a little before, pag. 5. *viz.* that "Christ's Religion is not to be propagated by the Sword." We may here put the *Examiner* in Mind of an Observation which has been made, and of the Truth of which we would not have him be an *Instance*, *viz.* That some Persons, who have made a loud Profession of "sacrificing their Lives and Fortunes," have been more deficient in their Loyalty than Men of *less* Talk.

The *Examiner's* Reflections on the Behaviour of the Assembly of *Pensilvania*, in their Legislative Capacity, are beneath our Notice. The Author of the Sermon, he refers to, might have found Matter more conducive to the *Propagation of the Gospel in foreign Parts*, than a partial Misrepresentation of the Proceedings of that *Assembly*; who, we doubt not, are capable of justifying their own Conduct, as *faithful Subjects* to the King, and as prudent and *Christian Conservators* of the *Peace of that*

that Province. A Conduct for which they are accountable to the Government here, who, we presume, did never give License or Assent for officious Priests to anticipate their Determinations, nor to intermeddle in Affairs subject only to their Cognizance. The Government of that Province is founded on Principles of the most universal Humanity and Benevolence. The free Enjoyment of *Liberty* and *Property*, without respect of Persons or Parties, has made it a populous and flourishing Colony; happy in the Enjoyment of *Peace*, without the Burden of *Soldiers*, and of *Religion*, free from the Impositions of *Priests*: Neither of *these* had any Share in the Settlement of this Province, nor in the Establishment of its present Happiness. Attempts have been made for introducing both: Should those Attempts prevail, the *Declension* of the *Province*, in all probability, will take its Date from the Time of their *Success*.

The *Examiner*, pag. 8, endeavours to assign a Reason for his misrepresenting the *Quakers*, viz. " To shew, in how unfavourable a Light they stand, when put in Competition with the Clergy of the Church of *England*, who teach no such Doctrines, none, which may prove destructive to the State, or injurious to their Neighbour." But, if he will give others the Liberty himself takes of drawing Consequences, they will probably conclude, that the *Doctrine* of the Lawfulness of Wars *may prove*, and hath proved, " destructive to the State;" and that the *Doctrine* of Tithes *may prove*, and hath proved, " injurious to their Neighbour," by une-

qually transferring the *whole Profit* of the Labour of the industrious Husbandman, into the Hands of those who neither plow nor sow.

He tells us, pag. 9, that “ The *Quakers* have “ endeavoured to put the Property of the Clergy “ upon a different Footing, as to the Right there-“ of, from their own; and from the rest of the “ Subjects of *England*. ” In so doing they have endeavoured to state the Case aright; for the *pretended Property* of the *Clergy* to *Tithes*, is a *Property* scarce to be parallel’d. A pretended *Property* in the *Personal Property* of others, without either *Gift*, *Purchase*, *Compact*, *Contract*, or *Consent* of the Owners. And yet the *Examiner* will not admit it to be a *forced Contribution*: But if an *Injunction* under *Penalties* upon Men, obliging them to pay or set out to the Use of other Persons a Part of their *Property*, be not a *forced Contribution*, the *Examiner*, we suppose will find it difficult to define what *is*. If, as he says, “ They (the *Quakers*) insist that a forced Contri-“ bution for the Maintenance of the Clergy is “ contrary to the Law of God;” ’tis because Christ hath ordained the Maintenance of his *Ministers* to be *free*, not *constrained*; and because they think, that which is contrary to *Christ’s Ordinance*, is also contrary to the *Law of God*: And they also think, that if a Tax be “ given by Par-“ liament” to pay for that which Christ ordained to be *free*, “ it may at any time be taken away” by the same Authority, with far more Justice than it was at first imposed.

The *Examiner* is mistaken, pag. 10, in calling *Tithes* “ a separate and distinct *Property* from “ that

“ that of the *Quaker*,” and in saying, “ The Clergy ask not what is *theirs*, but only demand what is their own.” For the whole Crop is the *Property* of the *Quaker*, or Occupier of the Land, no Part of which, without his own *Act*, can become another Man’s ; nor was any other Man ever the Proprietor of it. A *Tenth* Part of it, when distinguish’d by the Proprietors own *Act* of setting it forth, and of marking it as a *Deodand*, or *Gift* of his to *God and Holy Church*, the Parson by Law may claim and take away ; but he may not legally take away any Part of the whole Crop not so separated. The *Quaker* therefore, who sets out no Tithe, in taking his whole Crop to himself, takes nothing but his own : He “ takes not from the Clergy” what is *theirs*, but only refuses to give them what is *his*. The *Examiner’s* Instancing “ a Debtor’s paying his Creditor, a Tenant his Landlord, the Buyer to him who sells,” is foreign to the Purpose ; for certainly, tho’ the “ giving something out of our own Stock” to others, as an Equivalent by Contract for what we have received out of *theirs*, may be a *just Debt* ; yet an Obligation of “ giving something out of our own Stock” to those from whom we never received any thing out of *theirs*, may be an *unreasonable Imposition*.

“ It is, says the *Examiner*, needless to enter into an Enquiry, how far the Ministers of the Gospel have a Right to a Maintenance by the Divine Law.” But could he from that Law prove their Right to Tithes, he would scarce wave such an Enquiry : For the Foundation of

the Quakers Scruple is, that they are firmly persuaded, that by the Divine Law, the Ministers of the Gospel have no Right to any other Maintenance than a free Supply of their Necessities from those only who receive them as such; and that they are forbidden by the *divine Law* to accept Maintenance from those who do not accept them and their Ministry. 'Tis indeed expressly declared by the Apostle, that *the Lord hath ordained, that those who preach the Gospel, should live of the Gospel*, 1 Cor. ix. 14. Which Declaration refers not to *human Laws*, but to *Christ's Ordinance*: And what Christ hath ordained, appears by his own Precepts. Mat. x. 1. *Freely ye have received, freely give.* Verse 10. *The Workman is worthy of his Meat.* Verse 14. *Whosoever shall not receive you, nor hear your Words; when ye depart out of that House or City, shake off the Dust of your Feet.* And Luke x. 7. *The Labourer is worthy of his Hire.* Verse 8. *Eat such Things as are set before you.* By which Precepts 'tis evident that Christ's Ministers were to receive only a free Maintenance, and that from those only who willingly received and heard them: All Compulsion of Pay is therefore inconsistent with the Nature of that Ministry, and of that Maintenance, which the *Lord hath ordained*.

But the *Examiner*, pag. 11, insinuates, that the Text * is only applicable to those who "can "heal the Sick, cleanse the Lepers, raise the "Dead, cast out Devils," for the Ministers mentioned in that Text were endued with such Powers.

* Mat. x. 8. *Freely ye have received, freely give.*

ers. But this Observation makes against himself: For if Ministers, who had so extensive a Power of doing Good, were under an Obligation to give freely, certainly those who have less Power of doing Good, can have no Right to compel Maintenance: Tho' 'tis probable, the Examiner may be of Opinion, that Force is most necessary for the Support of those who have least Merit.

He tells us, pag. 11, "That this Maintenance, (*viz.* of Tithes) was first assign'd to a Popish Clergy, is what can scarce deserve an Answer," and refers to *a Plea in behalf of the Quakers* by Joseph Ollive, pag. 49, but silently passes over the Arguments advanced by that Author, which he finds more easy to contemn than to confute; and therefore says, they "scarce deserve" what he can't give. He queries, "Does Renouncing the Errors of that Religion any ways affect the legal Right to an Estate?" Not considering, that his pretended Title to Tithes has its Foundation in those very Errors he talks of renouncing. The Errors and Superstition of that Religion were the Source of their Original Donations: And the Continuance of the Claim of them to this Day shews, that the Errors of that Religion are not yet perfectly renounced. The "Deriving of the Quakers Estates from Popish Ancestors," has no manner of Relation to the Religion of their Ancestors: But the Claim of Tithes, deriv'd from Popish Priests, has a direct Relation to some of the grossest Errors of that Religion, *viz.* the Doctrines of Purgatory, and of the Sacerdotal Power of Remitting the Sins both of the Living and

and the Dead: On the Belief of these Antichristian Doctrines, many of the Donors of Tithes originally granted them. This appears by several Charters of those Donations cited by Selden in his History of Tithes: *Æthelulf King of the West Saxons* gives them “*for the Cure of his Soul, and the Posterity of his Kingdom and People:**” Another Donor gives them “*for the Salvation of his own Soul and of his Family:***” And a third confirms them “*for the Ransom of the Sins of himself, of his Wife, and of his Heirs:†*” A fourth ratifies a Grant of them “*for the Love of God, and the Health of his own Soul, and the Soul of his Wife, and of his Predecessors: ††*” A fifth grants both great and small Tithes “*that Mass may be said thrice a Week, for his Soul, and the Soul of his Wife, and for the Souls of his Father, his Mother, and his Ancestors:**” A sixth gives them “*Specially for the Soul of Sænus of Esseffa, and for the Salvation of ROBERT, his Lord, Son of the said Sænus, who gave him the Land, and for the Salvation of Gonnor his Wife; and for the Salvation of himself, and his Wife; and of WILLIAM the Son of Gereus, her*

* Pro meæ remedio animæ, & regni posteritate & populi. pag. 208.

** Pro salute animæ suæ & suorum. pag. 313.

† Pro redemptione delictorum meorum & uxoris meæ & heredum meorum. ibid.

†† Pro amore Dei & salutæ animæ meæ et uxoris et Antecessorum meorum. pag. 315.

* Ut Missa pro animâ meâ, et uxoris meæ, et pro animabus patris et matris meæ, et antecessorum meorum, ter in unâquaque Septimanâ celebretur. p. 332.

" her Father ; and for the Soul of his own Father,
 " and of his Mother, and of his Brother, and of
 " all his Friends and Ancestors.*†" King Ste-
 phen made a Grant of Tithes " for the Soul of
 " King HENRY his Uncle, and for the Health of
 " his own Soul, and of Queen MAUD his Wife,
 " and of EUSTACHIUS his Son, and his other
 " Children.†*"

The Preamble of another Grant of the same
 King Stephen is as follows, " || Forasmuch as we
 " know

*† Præcipuè pro animâ *Sæni de Effessâ*, et pro
 Salute Domini mei *Robertii filii prædicti Sæni* qui
 mihi hanc terram dedit, et pro salute *Gonor uxoris*
suæ, et pro salute meâ et uxoris meæ, & *Willielmi*
filii Gerei patris sui, et pro animâ patris mei et ma-
 tris meæ, et fratri mei, & omnium Amicorum et
 Antecessorum meorum. pag. 336.

†* Pro animâ Regis Henrici Avunculi mei, et
 pro salute animæ meæ, et *Matildis Reginæ Uxor*
meæ, & *Eustachii filii mei*, & aliorum puerorum
 meorum. pag. 336.

|| Quoniam, divinâ misericordiâ providente, cog-
 novimus esse dispositum, et longè latèque prædicante
 Ecclesiâ, sonat omnium Auribus divulgatum, Quod
 Eleemosynarum largitione possunt absolvi vincula
 peccatorum, et adquiri cœlestium præmia gaudio-
 rum : Ego *Stephanus Dei gratiâ Anglorum Rex*,
 partem habere volens cum illis, qui fœlici commercio
 cœlestia pro terrenis commutant, Dei amore com-
 punctus, & pro Salute animæ meæ et patris mei, ma-
 trisque meæ, & omnium parentum meorum, & An-
 tecessorum meorum Regum, *Willielmi scilicet Regis*
Avi mei, et *Willielmi Regis Avunculi mei*, et *Henrici*
Regis Avunculi mei, et *Robertii Malet*, et consilio Ba-
 ronum meorum, concedo Deo et Ecclesiæ sancti
Petri, &c. pag. 346.

" know, that by the Providence of divine Mer-
 " cy 'tis ordained; and by the Preaching of the
 " Church far and near, 'tis proclaimed in the
 " Ears of all Men, that by the giving of Alms,
 " the Bonds of Sins may be absolved, and the
 " Rewards of Heavenly Joys obtained: I Ste-
 " phen by the Grace of God King of *England*,
 " desirous to partake with those who by an hap-
 " py Commerce exchange heavenly Things for
 " earthly, smitten with the Love of God, and
 " for the Salvation of my own Soul, and the
 " Souls of my Father, and of my Mother,
 " and of all my Progenitors, and of the Kings
 " mine Ancestors, *to wit*, Of King *William*
 " my Grandfather, of King *William* my Un-
 " cle, and of King *Henry* my Uncle, and of
 " *Robert Malet*; with the Advice of my Ba-
 " rons, do grant to God and the Church of St.
 " *Peter*," &c. Also King *Henry* the 3d. granted
 certain Tithes to the Monks of *Basingwre* * for
 the Salvation of the Soul of his Father King
John.

Should any Man doubt the Truth of what the *Examiner* says, *viz.* that "the present Clergy
 " of the Church of *England* are reform'd from
 " the Errors and Superstition of their Prede-
 " cessors," he would need a better Argument to
 convince him, than their Insisting on a *Mainte-
 nance* founded on some of the grossest of those
Errors, and the Darkest of that *Superstition*, they
profess to have renounced.

But

* Pro salute Animæ Domini *Johannis* Regis patris
 nostri. pag. 444.

But the *Examiner*, pag. 12, thinks it not material to enquire into the Motives of those who first granted Tithes. "Doubtless, says he, it was the Conviction of their own Consciences." Doubtless, say we, it was the avaricious Fraud and Guile of *Popish Priests* and Monks, which blinded their Consciences; first by teaching them *Antichristian Doctrines*, for the Sake of unrighteous Gain to themselves; and then with Pretence of Devotion, sanctifying the Fruits of their own Delusions, under the Name of *Dues to God, and Holy Church*; as if the Gifts of deluded Ignorance and Superstition had been as acceptable to God and his Church, as to those who miscall'd themselves his *Ministers*.

" It sufficeth, says the *Examiner*, that they had a Power to give, and the Law regards not so much the Motives of the Giver, as the Right and Power he has of giving." But has answer'd himself by producing a Citation from *Anthony Pearson*, shewing, that the *Giver* had no such Right or Power of giving from the Posterity of other Men what never was his own; because " the Tithe is not paid by Reason of the Land, but of the Increase," and " the Increase comes not by the Land, which descends from the Ancestor, but by the great Charge, Industry, and Labour of the Husbandman."

This he would gainsay, but knows not how, and therefore talks of *Socage Tenure*, while he is urging the Payment of Tithes from those who hold by no such *Tenure*. " The Aid of the Land," as he calls it, is purchased by the Rent

the Occupier pays, and is therefore as properly his own, as his Seed and Labour.

He urges, pag. 13, that, " it would not be " consistent with the Justice of the Legislature " to take away what had been voluntarily given, " unless the Cause had ceased for which it was " given." We have already shewn that *Tithes* were rather *fraudulently* obtained than *voluntarily given*. The Cause of their *Donations* plainly appears to have been, the procuring of *Masses* or *Prayers* to be said for the Souls of Persons deceased. The Cause of them, *viz.* the saying such *Masses* or *Prayers* is now ceased; wherfore it will follow from the *Examiner's* own Premises, that the *Cause* being ceased for which Tithes were given, the taking them away might be very consistent with the Justice of the *Legislature*.

The *Examiner* observes, that " the Establishment of the Church cannot continue without " a legal Provision for its Ministers." How necessary soever a legal Provision may be for the legal Ministers of a Church legally established; yet neither that Provision, nor that Establishment, are any peculiar Marks of the Church of Christ, which certainly had its original Establishment on another *Foundation*. 1 Cor. iii. 10, 11, 12. Ephes. ii. 20. " A legal Provision for Ministers" being no where enjoyned by any Precept of the Gospel, seems to have its Rise from human Policy; for, by virtue of such a Provision, the Generality of those whom the People weakly accept as their Guides in Religion, become subservient to the Purposes of them, in whose Power the Disposal of that legal Provision is: A Means, by which Men

may

may be converted to any Religion except that of pure and primitive Christianity, which was wholly unacquainted with such Motives, and which made a wonderful and surprizing Progress in the World, while its Ministers had no other *legal Provision* than that of *Bonds, Imprisonments, and Death.* Wherefore a *legal Provision* for its Ministers is not absolutely necessary to support the Church of Christ; however conducive it may be to the Establishment of such a *Form of Religion* as the civil Magistrate shall think fit to appoint: The Christianity of which Form will be as indisputable as the Infallibility of his Judgment.

The *Quakers* are known to be firm Friends “to the Constitution,” and desire not “to procure any Alteration in the present Establishment,” wherefore they contemn the *Examiner’s* uncharitable *Innuendos* in that Respect. The mutual Security of the *Church* and *State* in each other they envy not; tho’ perhaps some of them may think, that even in Point of that *Security*, the *Church* is rather on the surer Side. However, they are fully persuaded, that a *Restriction* of the *Clergy* from *unnecessary Severities*, can never have any Tendency either to “undermine the One, or weaken the other.”

“*Tithe*, (says the *Examiner* pag. 14,) is an Estate in it self, separate and distinct from the *Land*,” which is equally true of the whole Produce, as of the Tenth, or any other Part of it. And the Instances he produces pag. 15, to prove the *Tithes* a *separate Estate*, do equally prove the *whole Crop* to be so; viz. the *personal Estate* of the Occupier of the Land. And where,

by the Land-Owner's occupying his own Land, there is an Unity of Possession, tho' the Land be an *Estate of Inheritance*, yet the *Crop* is not so, but merely *personal*: For which Reason the Owner cannot grant an *Estate of Inheritance* of that wherein himself has only a *personal* Property: For, as the *Examiner* well observes, "No Person can grant to another a greater Right than himself has." Wherefore that Part of the *Examiner's Description of Tithes*, which says, that it "is by Law an *Inheritance* collateral to the Estate of the Land," is not good: He seems to have borrow'd it from *Bobun's Law of TITHES*, pag. 4, who says, that, "In some of our Law Books, *Tithes* are briefly defined to be an Ecclesiastical *Inheritance*, or Property in the Church, *collateral* to the Estate of the Lands thereof." This, the *Examiner* might have observ'd, is plainly restricted to Church-Lands. He might also have distinguisht between the Definitions in some *Law-Books* and the Law it self. Besides, the same *Author* in the next Words says, that Tithe is in "other Law-Books" more fully defined to be "a certain Part of the Fruit or lawful Increase of the Earth, Beasts, or Mens Labours, which in most Places, and of most Things, is the Tenth Part, which by the Law hath been given to the Ministers of the Gospel in Recompence of their attending their Office." This Definition shews the *Tithe* to be a *Part* of the personal Property or *Estate* of the Occupier of the Land; and as such 'tis esteemed in the Eye of the Law, which permits no Man to sever or

set it out but the *Proprietor* of the Whole : Nor is it properly call'd *Tithe*, till so separated and set out by the Proprietor's own Act : By which Act he transfers his Property therein to another Person, who being so become the Proprietor of it, may then lawfully take away what before he might not. This the *Examiner* himself is so sensible of, that he acknowledges pag. 17, that " the Proprietor of the Tithe has indeed no distinct Property in it, until it is set out :" And yet but a few Lines after, flatly contradicts himself, when speaking of the *Tithe* not set out, he says, " the Property thereof is distinct, and the Estate therein separate from the *Quaker's* own ;" unless he intends it of his Estate as *Land-Owner*, not as *Occupier*. But, says the *Examiner*, " Altho' it be carried away by him without being set out, yet an Action lies against him for *with-holding*, *withdrawing*, *subtracting* his Tithe." By which Words, no more seems intended, than that he did not set them out as the Law directs ; but refused to transfer his Property to another, tho' by Law enjoined so to do. If the *Examiner* can see no more Justice in " carrying away" a Man's own Corn " from his own Ground," than in " taking away the Corn from off his Neighbours Ground ;" all we have to infer from thence is, that his *Notions of Justice*, and of *Property*, are equally erroneous.

The whole Crop then being considered, as it is, the Occupier's own Property, the Weakness of the *Examiner's* Query, pag. 15, " How then does the *Quaker* support his Right to the Tithe ?" plainly appears : For the same Right which

which he hath in the *whole* of his Crop, he hath in *every Part* of it. A personal Right to the Fruits of his own Labour, the Produce of the Land he rents, ploughs and sows, at his own sole Expence. Nor can he distinguish any Part of his Crop, which was not produced by the same Means as every other Part of it ; and therefore his *Conscience* is supported by the *divine Right* of Reason and Equity, in taking to himself that which is his own, and never was any other Man's. He neither " claims it by Descent from " his Ancestors ;" nor " by Devise or Gift," nor " by Purchase of the Land ;" but he claims it as his own, by the Purchase of his own Expence and Labour, to the Fruits of which he hath a Right by natural Justice, and the Laws both of God and Man. As to *Tithe*, he has nothing to do with it : He neither *takes*, nor *pays* any : He separates no Part of his Crop for that Use ; without which Act of *Separation*, *Tithe* is not.

The Law indeed directs such a *Separation* of a tenth Part, as *due to God and holy Church*. This Injunction of paying Tithes as an Act of *religious Worship*, the *Quaker* observes not, being fully persuaded in his Conscience, that the Payment of them is prohibited by the *Gospel of Christ* : He looks upon them as a *Jewish Rite* abrogated by the *Gospel* ; and thinks that *Human Laws* cannot incorporate into the *Christian Religion* any Rite so abrogated. Wherefore this, and other *Examiners* of the *Brief Account*, appear to him to have designed an Imposition on their Readers, by misrepresenting his *Scruple* of Conscience as respecting

respecting " Matter of meer civil Right," while that Scruple has an immediate *Relation* to Matters of Religious Worship, and which nearly affect his *Obedience to the Christian Religion.*

The *Examiner* seems to admit, pag. 16, that " the Law of Tithes was *Jewish*," but is mistaken in saying " there is no Type, no Mystery in them," for the *Tithes* are expressly called an *Heave-Offering*, Numb. xviii. 24. and consequently were a *Type*, as all the *Heave-Offerings* were, of Christ crucified; for as those Offerings were heaved or lifted up to the Lord, so Christ was heaved or lifted up, in offering himself a Sacrifice for Sin upon the Cross. So that the *Examiner's* saying, that " the wisest Nations borrowed their Laws from others," proves nothing in relation to *Tithes*, nor to the bringing those *Types* appertaining to the *Jewish Religion* into the *Christian Church.*

The *Examiner's Tale*, pag. 18, from *Matthew Paris*, of " People where their Parish Priests were married, thinking themselves prohibited to pay them Tithes; and not knowing how else to be discharged, rather chose to burn them than keep them to their own Use," is an Instance which might excite Compassion in any reasonable Man, not a Priest, toward his Fellow-Creatures, under the Power of such gross Darkness and Delusion; and might raise a just Detestation of the wicked Craft of those *Romish Priests*, who had instilled into them such slavish and superstitious Notions of Property. We question not, but that the *Examiner* is capable of giving better Proof of his own rejecting *papal Authority*

thority, than his Revival and seeming Approbation of such Notions.

He queries, pag. 18. " If they (the *Quakers*) cannot be convinced that the Clergy have a *Divine Right* to a Maintenance, will it follow from thence that they have none ? " To this we answer, that *Christ's Ministers* have a *divine Right* to such *Maintenance* as he hath ordained them, *viz.* A Supply of their *Necessities* by the free *Bounty* and *Benevolence* of those who receive them: To such a *Maintenance* all *Christ's Ministers* have a *divine Right* by *Virtue* of his *Ordinance*: Those who have not that *Right* are not his *Ministers*. A *divine Call* to his *Service*, and a *divine Right* to the *Maintenance* he has ordained, are inseparable: Those who have the *former*, are always content with the *latter*. Intruders into *His Service* may be known by their *Difidence* of *His Pay*, and their *unscriptural Talk* of " *Common-Law*," " *Prescription*," " *Immemorial Usage*," " *Conveying of Property* by " *Descent or Succession* ; " all which have no manner of Relation to *Christ's Ministers* as such, nor to any Thing by him ordained respecting their *Maintenance*.

He tells us, pag. 19, " that the Clergy found their Claim to *Tithes*, as they are now due, upon the Laws of the Land, cannot be call'd dropping their *Pretence of a divine Right*." And yet certainly their laying a *New Foundation* for their Claim, is an Indication that they think the *old One* insufficient to support it: Accordingly, the *Examiner* himself calls their *Pretence of a divine Right*, " *a dead Letter* to those who oppose it ; "

“ it:” This may be true of a *mere empty Pretence* to divine Right where it is not ; but where divine Right really is, divine Power is sufficient to support it “ without the Aid of Human Laws.” Could the Clergy shew their *Claim* to *Tithes* to be *Christian*, they would need no Recourse “ to the “ Courts of Justice” to recover them from us, who ground our conscientious *Scruple* of Paying them upon our Belief of their being *Antichristian*: The *Examiner* attempts not to remove our *Scruple* either by *Scripture or Reason* : But without mincing the Matter recurs to downright Force, and says, “ No Action can be founded in a Court of “ Justice upon a Text of Scripture only.” This was not the Apostolical Method of *convincing Gainsayers*.

His saying that “ the Laws of the Land are “ the only Rule, by which Property is go-“ verned,” affects not us, nor our *Scruple*, founded on the *Doctrine* of *Christianity* : He has not yet told us, that “ the Laws of the Land are the “ only Rule” by which that *Doctrine* is to be measured. In this Case of *Tithes*, where the *Laws of the Land* and the *Doctrine* of Christ appear to us to disagree, we apprehend, that no *Construction* of the *Sages of the Law* can dissolve our Obligation of Obedience to Christ’s Precept.

But the *Examiner* soars yet a Pitch higher, when, pag. 20, in Favour of the Clergies conceited Property in *Tithes*, he strikes at the very Foundation of *Protestantism*, by attempting to represent the “ *Liberty* of every individual Person” to judge for himself “ of the Truth and Proprie-

"ty of the Interpretation of Scripture," as dangerous to Property in general: A bold Attempt, and unwarrantable, had it not been in a *Defence of the Clergies Interest.* The *Examiner*, however frequently mistaken, has in this Point hit upon a *notable Expedient*: For, it must be acknowledged, that the most effectual Method of securing the *Claim*, even of a *Protestant Clergy*, to *Tithes*, would be the restoring to them the *Powers*, they formerly disclaimed, of keeping the *Keys of Scripture* in their own Possession, and making *their Sense* of it the *general Standard* for all the rest of Mankind to judge by.

" The Clergies Right to Tithe (says the *Examiner*, pag. 20.) is as ancient, as the Monarchy, " and coeval with our Constitution. It had its " Commencement from the Voluntary Gift of " the Owners of the Lands, confirmed by several Kings in the General Councils of the " Realm: Which Laws were collected together " by *Edward the Confessor* before the Conquest." But had he considered the Dates of many of the *Charters* of Donations of Tithes granted by Land Owners, (recited by *Selden* in his *History of Tithes*) he would have found that they were made long since the Conquest: Consequently a *Right*, which " had its Commencement from any of those Donations, could not " be as ancient as the Monarchy," nor " coeval " with our Constitution," nor comprehended in " St. *Edward's Laws*." He cites, pag. 21, " the " *Coronation Oath*" as " alter'd upon the Revolution," containing a Promise to " preserve unto " the Bishops and Clergy of this Realm, and to " the

" the Churches committed to their Charge, all
 " such Rights and Privileges as by Law do and
 " shall appertain to them or any of them." But
 what he can from thence infer to his Purpose,
 we see not, unless he will absurdly conclude,
 That the Laws relating to those *Rights* and *Pri-*
ileges are thereby become *unalterable*. Nor
 ought that Oath to be construed in a Sense ex-
 tending to oblige the Kings or Queens of this
 Realm to any Degree of Persecution or unchrif-
 tian Severity : 'Tis observed, that when King
William III. took the Coronation *Oath* of *Scot-*
land, at the Repeating a Clause therein, relating
 to Hereticks, he declared, that " he did not
 " mean by those Words, that he was under any
 " Obligation to become a Persecutor. * " Nor
 is it reasonable to suppose that the *Exercise* of *un-*
necessary Severities can properly be called a *Right*
 or *Privilege* of the Clergy.

I may here (says the *Examiner*, pag. 21, 22.)
 take Notice of " the Date of their first Letter
 " of Exhortation from the general Assembly (at
 " least that we meet with) against Payment of
 " Tithes, which is very remarkable, and to
 " which the others refer. The Yearly-Meeting
 " of *Quakers* in 1687, which had agreed upon,
 " and presented a flattering Address to the late
 " King *James*, complimenting him upon that
 " which had caused a Terror to the Nation in
 " General, his exercising a dispensing Power

E 2 " with

* See the 12th and last Collection of Papers (Vol. I.)
 relating to the present Juncture of Affairs between Eng-
 land and Scotland: Printed by Richard Janeway,
 Anno 1689.

" with the Laws of Land ; thought it a proper
 " Time for them likewise to exercise that Power
 " they had flattered in their Prince. 'Tis then
 " the Brethren are exhorted and admonished to
 " bear their Testimony against the Antichristian
 " Payments (as they stile them) of Tithes." Had he
 seen the Letter he mentions, he could not reasonably have thought, that the Exhortation therein had any peculiar Relation to that Time: The Words of it are, " And, dear Friends, we do far-
 " ther in the Love of God, and his blessed Truth,
 " and Testimony of Christ Jesus, recommend it
 " to your tender and *Christian Care*, that Friends
 " in their several Counties do sincerely keep to
 " their *Ancient and Christian Testimony* against
 " that *old and great Oppression of TITHES*, for
 " which many faithful Friends have deeply suf-
 " fered, (some to Death in Goals) and several still
 " suffer." This Exhortation expressly refers to
 their *ancient Testimony*; and consequently was
 nothing *then new or unusual*. Their Address to
 King James was not *flattering*, but a reasonable
 Acknowledgment of his Favour, by which (as
 the Address itself sets forth) " above Twelve
 " Hundred Prisoners were released from their
 " severe Imprisonments, and many others from
 " Spoil and Ruin in their Estates and Properties."
 For the King's " commiserating their afflicted
 " Condition," his " expressing an Aversion to
 " all Force upon Conscience, and granting all his
 " Dissenting Subjects an ample Liberty to wor-
 " ship God in the Way they are persuaded is
 " most agreeable to his Will," they express their
 " humble, Christian, and thankful Acknowledg-
 " ments."

" ments." And what could they do less? Could any less than this be expected from Persons under their Circumstances ? They had for above twenty Years undergone a Variety of Sufferings, by excessive Fines exorbitantly levied, tedious Imprisonments, and Banishments on Pain of Death, for worshipping God according to their Consciences, under a Government, which, tho' called Protestant, had put in Practice the worst of Popery, viz. Persecution for the Sake of Conscience and Religion. Who, under the like * Circumstances would

* In the Year 1680 was printed and presented to King Charles II. and the Lords and Commons in Parliament assembled, The Case of the People called Quakers, stated in Relation to their late and present Sufferings. At the End of which is a General Abridgment of their Sufferings from 1660 to 1680, viz.

- | | | |
|------|--|-----|
| I. | There have died of our Friends in Prison, and Prisoners, for the Exercise of their Faith, and Conscience in Matters Spiritual ; some of whom have been beaten and bruised, being knock'd down at their peaceable Meetings, and died of their Wounds. | 243 |
| II. | And there remain now in Prison in the several Goals in England and Wales, who suffer also for the Testimony of a good Conscience ; many of which are prosecuted by Writs of Excommunicatio capiendo, and have been diverse of them closely confin'd upon that Account for several Years. | 276 |
| III. | And | |

would not have accepted a present Deliverance from such a State of Affliction as a Favour, requiring a grateful Acknowledgment ? It was justly observed by the Person who presented their Address, that “ As their Sufferings would have “ moved Stones to *Compassion*, so they should be “ harder, if they were not moved to *Gratitude*.” They expressed a just Sense of the present Favours they had received from that King, but they were so far from “ complimenting him upon “ his Exercising a dispensing Power with the “ Laws of the Land,” that in the very same Address,

III. *And there have suffered Imprisonment for meeting and refusing for Conscience sake to swear ; some of whom have had the Sentence of a Premunire past upon them ; and diverse of them had their Goods and Chattels distrain'd, and taken from them.*

9437

IV. *The Number of our Friends Excommunicated for not conforming to the publick Worship.*

624

V. *And there have been sentenced for Banishment for meeting together to worship God.*

198

10778

During all that Time of terrible Persecution, the then Clergy of the Church of England were in perfect Tranquillity, and at Ease : Nor do we find, that they in Convocation did ever remonstrate to the Government the least Dissatisfaction with those Proceedings.

dress, they say, " we hope the good Effects
 " thereof, (viz, *Liberty of Conscience*) for the
 " Peace, Trade, and Prosperity of the Kingdom,
 " will produce such a Concurrence from the Par-
 liament as may secure it to our Posterity in
 " After-Times." They were so far from flattering
a dispensing Power, that they expressed no
Hope of Security but in a *Legal One*. We have
placed the * *Address* it self in the Margin, which
the Reader will find so far from being a flattering
Address, that 'tis really worthy of *Imitation*
for the Christian *Simplicity* and *Innocence* of its
Expression.

The

* To King JAMES II. over
England, &c.

*The humble and grateful Acknowledgments of his
 peaceable Subjects, called QUAKERS, in
 this Kingdom.*

*From their usual Yearly-Meeting in London, the
 Nineteenth Day of the Third Month, vulgarly
 called May, 1687.*

" **W**E cannot but bless and praise the Name of
 " Almighty God, who hath the Hearts of
 " Princes in his Hand, that he hath inclined the
 " King to hear the Cries of his Suffering Subjects
 " for Conscience-Sake; and we rejoice, that instead
 " of troubling him with Complaints of our Suffer-
 " ings, he hath given us so eminent Occasion to
 " present him with our Thanks. And since it hath
 " pleased the King, out of his great Compassion,
 " thus to commiserate our afflicted Condition, which
 " hath

The *Examiner*, pag, 22, farther says, " They
 " have still continued to press it (*viz.* their Tes-
 " timony against Tithes) upon the Consciences
 " of their Followers, contrary to the very Terms
 " of the Toleration." But let him consider, that
 the *Quakers* press that Testimony upon the Con-
 sciences of *None*, but who already profess them-
 selves

" hath so particularly appeared by his gracious Pro-
 " clamation and Warrants last Year, (whereby above
 " Twelve Hundred Prisoners were released from their
 " severe Imprisonments, and many others from Spoil
 " and Ruin in their Estates and Properties) and his
 " Princely Speech in Council, and Christian Decla-
 " ration for *Liberty of Conscience*, in which he doth
 " not only express his Aversion to all Force upon
 " Conscience, and grant all his *dissenting Subjects* an
 " ample Liberty to worship God in the Way they
 " are persuaded is most agreeable to his Will, but
 " gives them *his Kingly Word*, the same shall conti-
 " nue during his Reign; we do (as our Friends of
 " this City have already done) render the King our
 " humble, Christian, and thankful Acknowledg-
 " ments, not only in Behalf of ourselves, but with
 " Respect to our Friends throughout *England* and
 "*Wales*; and pray God with all our Hearts, to
 " bless and preserve *Thee, O King*, and those under
 " *Thee in so good a Work*: And as we can assure the
 " King it is well accepted in the Counties from
 " whence we came, so we hope the good Effects
 " thereof, for the Peace, Trade, and Prosperity of
 " the Kingdom, will produce such a Concurrence
 " from the Parliament, as may secure it to our Pos-
 " terity in after Times: And while we live, it shall
 " be our Endeavour (thro' God's Grace) to demean
 " ourselves, as in Conscience to God, and Duty to
 " the King, we are obliged, his peaceable, loving,
 " and faithful Subjects.

elves convinced in Conscience that *Tithes* are *Antichristian*; and that 'tis every Man's Duty to act according to the *Convictions* of his Conscience, especially, when he believes those Convictions grounded on the Gospel of Christ. Wherein the *Quakers* pressing such an *Obedience* is contrary to the Terms of the *Act of Toleration*, made for the Ease of scrupulous Consciences, they cannot perceive. If invidious Adversaries will construct their *Christian Testimony* against what they believe *Antichristian*, into "a fixt Resolution not to give way to the *Law*," they thereby insinuate an Opposition between the *Law* and *Christianity*, which the *Quakers* could wish never were. Their Exhortations in this Case are to excite *Obedience* to the *Gospel*; the Measure of which *Obedience* they take not from *human Laws*: They consider the *Abrogation of Tithes* as a *Doctrine of Christianity*, and are of Opinion, that neither its *Agreeableness*, nor its *Opposition*, to the *Law* of the Land, can make it either more or less so.

An *Answer* to the Performance of a late Writer, whom he calls "accurate and judicious," has been attempted, whether "vainly" or not, is determinable by the Judgment of those, who impartially read both Sides; not by the *Vanity* of a Person who publishes to the World the *Self-Conceit* of his own *Wisdom*, by proclaiming, what he approves, UNANSWERABLE.

The *Quakers* "Application to Parliament was," for restraining their Prosecutors from ruinous and destructive Proceedings. "Their Petition went no farther." It was not, as the *Examiner* abusively says of it, "to obtain an easier Method

" of being compelled to pay," but that they might not be exposed to Ruin, for conscientiously refusing to pay. This was their *sole* and *single* View in that Application. They readily acknowledge what the *Examiner*, pag. 23, says of them, *viz.* that "They declare them (*Tithes*) to be a " *Jewish Burden*, and think it no Objection, " that they have *ultimate Views*, *viz.* distant " Hopes of laying them down at their Journeys " End," but they deny what he from thence unjustly attempts to infer, pag. 24, *viz.* " that " their Application tended" any farther than " only to their obtaining a present Relief," and that " their Hopes could only be, that by an " Alteration of the Law in their Favour, they " might avoid paying." For they did then, and still do think, that the *easiest Method* the Law has granted to the Clergy for recovering their Claims, is really the most effectual for that purpose. They did not therefore seek " to confine the Clergy to " an *ineffectual Remedy*," but to the most *effectual* one for recovering their Claim, and only *ineffectual* for the *purpose* of *ruining* their Neighbours. What the *Quakers* asserted in their First *Vindication of the Brief Account*, in answer to the Clergy of the *Dioceſe of LONDON*, pag. 128, is certainly true, " that they had not the least " View of an *entire Exemption* from the Payment " of Tithes in their late Sollicitation." Nevertheless, they do not think, that even such an *entire Exemption* would be either *unreasonable* or *unchristian*. For they consider *Tithes* as a Relick of that gross Ignorance and Superstition, under

which the usurped Authority and * *Antichristian* Craft of the Popes and their Adherents had enthralld the Nation : They consider them as given to such superstitious Uses and Services of the *Romish* Church, as are justly rejected by all true *Protestants*. And, they apprehend, that if our *Protestant Reformers*, when they renounced those superstitious *Services*, had also renounced the *Pay* annexed to the Performance of them, their Reformation had been more compleat. The *ultimate Views* of the *Quakers* in refusing to pay *Tithes*, are to keep their *Consciences* void of *Offence* toward God, and to promote, what in them lies, a more perfect State of *Reformation*: It is however very apparent, that the *Clergy* are so sensible of the Precariousness of their Right, if once the People should be brought to see thro' the Mist which Art first raised, usurped Power increased, and the intimidating Cries of *the Church, the Clergy, the Rights of the Clergy*, and other such like scaring Epithets, have served to continue ; that the least Attempt to dispute it meets with no less Opposition, than if what they dread to be the ultimate Views of the *Quakers* was really at hand, *the total Abolition of Tithes*. But their late Application to the Legislature, had it succeeded, would neither have exempted them from paying, nor have left the *Clergy* without an effectual Remedy for recovering them.

F 2

“ Wherefore

* *As for the Pope, saith Archbbishop Cranmer, I refuse him, as Christ's Enemy and Antichrist, with all his false Doctrine.* Fox's *Acts and Monuments*, Vol. 3. pag. 670, Edit. 1641.

" Wherfore otherwise, (says the *Examiner*,
 " pag. 24,) are they desirous of declining the
 " Courts of Judicature, where the Magistrate has
 " full Power to execute Justice and to maintain
 " Truth?" What the *Quakers* complain'd of
 was, *Prosecutions* carried on in those *Courts* for
Claims more easily recoverable: And that such
Prosecutions, tho' unnecessary, had been attended
 with such heavy Costs and rigorous Executions,
 that about Eight Hundred Pounds had been taken
 from Ten of them, where the Original Demand
 did not amount to Fifteen Pounds.

Whether *Justice* and *Truth* could influence the
Prosecutors in the *Choice* of such *Severities*, let
 Men of Reason judge: The *Prosecutors* for
Church Claims being indulged with a summary
 Method for recovering them, a Privilege not
 common to "the rest of the Subjects," seem to
 us inexcusable in their *Choice* of such rigorous
 Methods, as nothing but *Necessity* can induce
 other Men to use. The *Quakers* do not "set
 themselves in Opposition to the Law, nor set
 it at Defiance in Matters of Right and Pro-
 perty." But in Matters of Religion, such as
 they esteem this Point of *Tithes* to be, they say as
 the *Examiner* pag. 25, justly cites them, "that
 " they christianly submit to the Penalties of the
 " Law, that they may keep their Consciences
 " conformable to the Precepts of the Gospel,"
 and therefore, "they may not avoid the Inconve-
 " niencies by an *hypocritical Compliance.*"

The *Examiner* tells us, that "it is a Maxim
 " both in the Law and Reason, (tho' we think
 " he will find it in neither) that he who suffers

,, thro'

" thro' his own Fault cannot be injured ;" but this appears to us to be only a Maxim with Persecutors, invented to justify the Rigour of exercising the utmost Severities in their Power, even for the most trivial Offences : Not considering, that in the Execution of Penal Laws against religious Scruples, 'tis a certain Maxim, that, *summum Jus est summa injuria*, there can be no greater Injury than the *utmost Extent* of Law.

His next Suggestion is, that our " Scruples are " meerly a Pretence , " but how does he attempt to prove it ? First by telling us, that " the Gospel gives no Rule for Inheritances :" If that be true, and if it be also true, which we think undeniable, that *the Gospel doth give a Rule for Ministers Maintenance*, it necessarily will follow, that *Ministers Maintenance is not an Inheritance*; and consequently, that the Clergies Claim to *Tithes* as an *Inheritance* for their *Maintenance* being but a *meer Pretence*, the *Quakers* Scruple against paying them, may be just and well grounded.

His next Remark is, that " a conscientious Refusal must necessarily imply the Demand to be unjust." Such a *Demand* we have already proved that of Tithes to be, (pag. 29, foregoing) by shewing that the whole Crop and every Part of it is the *personal Property* of the Occupier of the Land : Seeing then that the *Demand* of Tithes is *unjust*, our Refusal to pay them may be a *conscientious Refusal*. Whether there be any Persons in *England*, " who would force their Neighbours to share their Estates with them," and who they

they are, we willingly submit to the Judgment of all, except *Clergy Men*, and *Tithe-farmers*, without drawing any odious Comparisons. If there be any here who practise and plead for such a *wild Notion*, there is this considerable Difference between the *Anabaptists* of *Munster* and them, that the Former exercised a *Force against Law*, but the Latter a *Force by Law*. The Former undoubtedly proceeded upon a Principle of *Pride* and *Covetousness*; but should those *Vices* be objected to the Latter, they have the *Law* to produce in their *Discharge*. The Former attempted an *illegal Invasion of other Mens Properties*, which is certainly wicked and unjust: The Latter practise a *legal Invasion of them*, which will appear to be always *righteous* and *equal*, when the *Examiner* shall have clearly prov'd that *human Laws* never were nor are otherwise. What therefore *Joseph Ollive*, whom he *brokenly* cites, pag. 27, 28, "means by a *legal Invasion of another Mans Property*," will not be so "difficult to explain" as he imagines: 'Tis the *Prosecution* by *Law* of an *unrighteous Claim*: Such as we have before shewn (pag. 23,) the *Claim of Tithes* in this Nation originally was: The *Law* alters not the Nature of Things, nor can it, by favouring an *unrighteous Claim*, make that *Claim* become *righteous*. The *Quakers* Opposition to such a *Claim* hath its Foundation in *Scripture*, *Conscience* and *Equity*: The *Examiner's Assertion* (pag. 29,) that "there are "proper Judges in the *Laws of the Land* to direct *Conscience*," we presume, the *Clergy* themselves will not abide by, any farther than they find those *Directions* agreeable to their Interest.

He is for “ restraining the Judgment of Conscience to Matters of a Spiritual Nature:” But even that *Restraint*, the Justice of which he has not demonstrated, will not affect us in this *Case* of *Ministers Maintenance*, unless he can shew, that our *Obedience* to an *Ordinance* of Christ is not of a *Spiritual Nature*. His *Query*, pag. 28, “ May the *Quaker* with a good Conscience keep “ the Tithes to his own *Use*, and suffer the Clergy to be taxed for them ?” has no Propriety in it ; since ’tis certain that the *Quakers* had no hand in the *Imposition* of that *Tax*.

“ I have endeavoured, (says the *Examiner* pag. 29) to convince them of this Mistake, “ tho’ possibly it may be fighting against what is “ invincible, that is their *Obstinacy*.” His Despair of convincing us, which he would seem to attribute to the Strength of our *Obstinacy*, might with much more Reason arise from a *consciousness* of the *Weakness* of his own Arguments ; which, we suppose, we have sufficiently made appear, by shewing, that the whole Crop, and every Part of it, is the personal Property of the Occupier of the Land ; and that *Tithes* in this Nation were no other than avaricious and insolent Impositions of the *Pope* and his *Clergy* upon the People, superstitiously deluded by a feigned Pretence of their being due to *God* and *Holy Church*. Upon this *Popish Foundation* the early Statutes for enforcing Tithes were grounded. And ’tis judiciously observed by the before mentioned *Joseph Ollive*, “ * How the *Protestant Ministry* became “ possessed

* See his *Plea in behalf of the Quakers* pag. 49.

" possessed of Tithes we cannot tell, there ap-
 " pearing no Conveyance to them of that pre-
 " tended Right which the *Popish Clergy* once
 " had, except, that Tithes being a profitable
 " Morsel, tho' indeed a *Relick* of the *Romish*
 " *Church*, the *Protestants* (whose Reformation
 " in that, as well as in several other Points, was
 " very imperfect) were not willing to forgo
 " them, tho' they had not any positive Right to
 " them, either by the Law or the Gospel, or by
 " any Conveyance from those to whom they
 " were given by superstitious Donors, for super-
 " stitious Uses, not performed by *Protestants*.
 " So that the Parson's pretended Inference of the
 " *Quaker's* possessing a Property he can shew no
 " Title to, effectually reverts upon himself, who,
 " having no solid Title to the Tithe he possesses,
 " has yet the Assurance to call in question the
 " Property of other Men in the Produce of their
 " own Seed, their own Land, and their own
 " Labour."

The *Examiner*, (pag. 29, 30.) says, " Whilst
 " thus the Property of the established Church
 " stands, at least upon an equal footing with the
 " Rest of the Subjects, it may be hoped they will
 " be entitled to equal Favour and Protection.
 " And as they no ways envy or interrupt the
 " *Quakers* in the Benefit of the *Toleration*, in serv-
 " ing God in their own way, they may reasona-
 " bly expect that the *Quakers*, will in Return, tole-
 " rate them in the Enjoyment of their own Estates."

What he calls the Property of the Clergy, (*viz.*
 their Claim to Tithes) stands not upon an
 " equal," but upon a " superior footing with the
 " rest

" rest of the Subjects," they having peculiar Laws for recovering them, with more Ease, and less Charge, than other Subjects can recover their just Debts; wherefore, their Hope of " equal Favour and Protection" with others, cannot be a just Ground for their *murmuring* under the Enjoyment of greater Favour and Protection:

Tho' the Quakers may have a very favourable Opinion of the good Nature, and peaceable Disposition of many of the present Clergy, and may be pleased to see that so few of them, their Numbers considered, have been concern'd in the Prosecutions complain'd of; yet they cannot look upon the *Toleration* as granted by the Clergy, nor think that they are obliged to any Return to them for a Favour received from others. But, as to such of the Clergy, who notwithstanding the more Christian Examples of a numerous Brotherhood, still persevere in their Choice of exercising the utmost Rigour in their Power, they do, as far as in them lies, express their Envy at, and Readiness to interrupt the Quakers in, the Benefit of the Toleration, and do sufficiently demonstrate, that, were their Power unlimited, 'tis altogether uncertain where their Will would stop.

The *Examiner* is mistaken in saying (pag. 36;) that the Quakers with-hold *Tithes* from the Clergy "only because they are of a different Persuasion from them:" For, if Ministers, in every thing else of their own Persuasion, should lay claim to Tithes; their *Consciences* would oblige them to refuse the Payment without Respect of Persons; and what they believe no Minister's Right, they

must equally with-hold from *all Ministers* without *Wrong* to any.

" The Law, says the *Examiner*, excludes the " Clergy from the common Ways of Mainte- " nance by Trades, or other Occupations, that " they may attend their Duty, and has allotted " them their Subsistence; yet the *Quaker* with- " holds it, and as far as his dispensing Power " extends, decrees they must work or starve." Would the *Examiner's* Sincerity obtrude this upon his Readers as a *Decree* of the *Quakers*? Was it not an *Apostolick Decree* made by the early Pastors of the primitive Church, and plainly recorded in holy Scripture? Did not *Paul*, *Silvanus*, and *Timotheus*, when present with the Church at *Thes-salonica*, decree, that *If any would not work, neither should he eat*, 2 Thess. iii. 10? Did they not enforce this *Decree* by their own *Example*, that other *Pastors* might observe the same? *Neither did we, say they, eat any Man's Bread for Nought, but wrought with Labour and Travel Night and Day, that we might not be chargeable to any of you.* Not because we have not Power, but to make our selves an *Ensample* unto you to follow us. Vers. 8, 9, Did not the Apostle *Paul* propose his own *Prac-tice* of his *Hands having ministred to his Necessities*, as a Precedent to be imitated by the Pastors of the Church at *Ephesus*, Acts xx. 28, 35? Did not he propose the same Example to the Church at *Corinth*; *we labour working with our own Hands*, 1 Cor. iv, 12? Was not this one of his *Ways which be in Christ*, which he taught every where in every Church, and which he sent *Timotheus* his beloved Son and faithful in the Lord to bring them into

into Remembrance of, Verse 17? Were not these Directions given to the Teachers of the Churches in general? Were not those who practised them most assiduous in attending their ministerial Duty? Does not the *Examiner's* urging that "the Law excludes the Clergy from" what the Precepts and examples of the Apostles enjoyn, necessarily admit a dispensing Power in the Law, superior to the Authority of their Injunctions? This, we think, naturally results in making the *Christian Religion* it self subservient to *human Laws*, and is, in the fullest and most express Manner, *A teaching for Doctrines the Commandments of Men.*

Mark vii. 7.

" Upon what Foundation (adds the *Examiner* pag. 30, 31.) they can say, they conscientious-
ly refuse to pay the Lay-Impropriator his Due,
is not easy to imagine." But to us, the Claim
to Tithes in this Nation, however diversified in
its *Appearances*, has but one and the same Root
and Foundation, viz. the *grossest Errors* of the
Romish Religion; and to us it doth not yet appear
that the Law by *transferring* this Claim can alter
the *Nature* of it; nor that it can transmute *drossy*
Error into *pure Orthodoxy*, *gross Ignorance* into
Gospel Light, *deluded Superstition* into *Christian*
Knowledge, or *Romish Bondage* into *Protestant Li-*
berty. Our Refusal therefore to pay Tithes, even
to the Lay-Impropriator, arises not from "An-
tipathy to the Name of *Tithes*," but from a
Protestant and *Christian* Antipathy to the Na-
ture of *Tithes* as *Popish* and *Antichristian*: And
which we have gone so far beyond the *Exami-*
ner's Expectation, as to give " a Reason for."

We shall say no more in this Place of the *Title* of the *Lay-Impropiators* to *Tithe*, only we may justly observe, that if they have a *good One*, some of the Clergy in their Writings have most grievously abused them.

But the *Examiner*, pag. 31, says, " in these (viz. the Estates of Impropiators) they will find a farther Instance that the Tithes are a separate and distinct Estate from the Land: For when those Corporations, to which they had been appropriated, were dissolved, they did not fall to the Owners of the Land, but such of them as had not been surrendered, having before been alienated from the parochial Clergy, were granted to the Crown, having no legal Proprietor, and from the Crown the present Possessors derive their Title." From all which it will by no means follow, that if upon the Dissolution of those Corporations there had been no fresh Grant of the Tithes, they would not have fallen to the Occupiers of the Land by the natural Right they have to the Fruits of their own Expence and Labour.

The *Examiner's* next Observation is, pag. 32, thus, " Altho' in the Preface to the *Brief Account* they refer to several Texts and Authorities to shew, that their Scruples appear not to be ill grounded, yet none of them, as I can see, are any ways applicable to their Refusal of *Church-Rates*: And yet these likewise are inserted as the Occasions of Suffering for Conscience sake."

The Reason for inserting them, viz. Prosecutions for *Church-Rates*, in the *Brief Account* is obvious,

vious, they being for *Demands* recoverable by the summary Method provided, and nevertheless prosecuted for by Processes in the *Ecclesiastical Courts*, tending to *Excommunication* and *Imprisonment*. We conscientiously refuse the Payment of them, not as a *publick Tax*, but as a private *Ecclesiastical Imposition* for *superstitious Uses*, and *Purposes*. They are for repairing and supporting Buildings pretended to be made *holy* by the *Bishop's Consecration*, a Piece of *Superstition*, warrantable neither by *Precept* nor *Example* in the *New-Testament*. They are for buying, mending and washing, of the Priest's *Surplice*, which, we think, a *superstitious Garment* not us'd in the primitive Christian Church, nor worn by any of the Apostles. They are for buying *Bells* and *Bell-Ropes*, and *Organs*; the Jingle of which Instruments we esteem *superstitious*, and no where enjoyed by the *Gospel* as requisite to *Christian Worship*. They are for buying *Books* to pray by: A Practice we find no Foundation for in *holy Writ*. They are for the paying for the Dinners of *Priests* and *Churchwardens* at *Visitations*; Entertainments in nothing resembling the *Feasts of Charity*, and breakings of *Bread* from House to House, practised by the Apostles. They are for Fees to *Registers*, *Apparitors*, and the like Attendants on such an *Ecclesiastical Jurisdiction* as the Doctrine of the *Gospel* gives not an Authority to exercise. All these and other unscriptural Impositions we are concerned in Point of *Conscience* and *Christianity* to bear our Testimony against, and to refuse the Payment of those *Rates* which are made for the *superstitious Purposes* of upholding them. We presume

presume these Reasons may suffice to justify us in refusing to pay *Church-Rates*, at least till the *Examiner* shall produce better Arguments in their Favour, than that "they are made by the Consent of the major Part of the Vestry assembled;" which Majority often consists of some of the most *bigotted* and *superstitious Heads* in the Parish: And till he shall produce a more forcible Precedent than that of a *Gentile Centurion's* building a *Jewish Synagogue*.

But the *Examiner* has a *Flirt* at our *Sincerity*, which he thus expresses, pag. 32, 33, "And if the Sincerity of some who refuse, may appear by their Suffering, we hope the Sincerity of others is no less evident from their voluntary Compliance; whilst many of them serve the Office of Churchwardens, and upon their Affirmation declare that they will faithfully perform it." The *Examiner* is as positive in relating this as if he knew it to be true: But it might have been more satisfactory to us, had he named a few of those many, that we might have enquir'd upon what Inducements they accepted that Office, and what they undertook to do therein.

The Office it self, in its primitive Institution, (before Superstition finger'd the Keys of the Poor's Box) appears, *Act*s vi. 2. to have been that of *serving Tables*,* or the *daily Ministrations* of Relief and Provision to the *Widows* and *Poor* of the Church. For this Business, by Direction of

the

* διάκονοι τραπέζας, hence they were called διάκονοι Deacons.

the Apostles, were appointed in the Church at Jerusalem, seven Men of honest Report, full of the holy Ghost and Wisdom. Men so † qualified might be depended on as faithful Stewards of the Church's Stock, and to make an equal Distribution unto every Man according as he had Need. But we have not the least Intimation of their applying any Part of that Stock to such Uses for which Church-Rates have been since levied. The Degeneracy and Superstition of after Ages, gradually introduced those Uses, and burden'd the Church with a costly Pomp and Pageantry in it's first Purity unknown. Faithful Deacons, full of the holy Ghost and Wisdom, were then no longer appointed, but Churchwardens were substituted; who are thus described, viz. "Churchwardens
 " be Officers yearly chosen by the Consent of the
 " Minister and Parishioners, according to the
 " Custom of every several Place, to look to the
 " Church, Church-yard, and such Things as belong
 " to both, and to observe the Behaviour of their
 " Parishioners for such Faults as appertain to the
 " Jurisdiction and Censure of the Court Ecclesi-
 " astical."* Thus was the Primitive Office of
 Deacons as it were lost in that of Churchwardens,
 whose chief Concern, instead of feeding the
 Poor, became that of feeding the Officers of Eccle-
 siastical Courts with Presentments, and of furnish-
 ing

† Does not the Scarcity of such Men among themselves oblige the Members of the Examiner's Church to seek for them among the Quakers?

* Minshew's Guide into the Tongues.

ing the Apostate Church of *Rome* with such *Church-Ornaments, Crucifixes, Images, Vestments, Bells, Toys and Trinkets* for Worship, as were never enjoyned either by Precept or Example in holy Writ.

But since the Reformation, the Churchwardens are again restored to their Business of serving *Tables*, the Office of the primitive *Deacons*, and are constituted Overseers of the Poor by *Statute-Law*. 43. *Eliz. C. 2.*

The *Quakers* object not against the *Office of Churchwardens*, so far as it is enjoyned either by Scripture, or by *Statute-Law*: But, like true *Protestants*, they desire to be free from all *Injunctions of Popish Canons and Constitutions*. 'Tis the Custom of some Parishes to chuse two *Churchwardens*, of whom *One* is generally employ'd in the Affairs relating to their Church and Worship; and the other in Matters relating to the Poor. In such Parishes, the *Quaker*, at the Request of his Neighbours may have officiated as *Churchwarden* for the Poor; but that "many of them upon their Affirmation declare that they will faithfully perform that Office" in general, without any Exception or Limitation, is incumbent upon the *Examiner* to prove. Till then his Query, "Do they expect to be repaid what they expend upon the Church Account?" may be improperly put to them, who may probably have expended nothing but upon the Poors Account, and which, we are inform'd, has been repaid out of the Poor's Rate; and if so, a *Quakers* serving the Office of *Churchwarden* may have nothing to do with the *Payment of Church-Rates*.

He may have shewn his Justice in accepting and discharging the *Christian* and *Protestant* Part of that Office, and his Sincerity in avoiding the *superstitious* Part of it. And were it not that the Members of the *Examiner's* own Church do admit of such a Distinction in a *Quaker's* serving that Office, how would the *Examiner* acquit them of *Insincerity* in chusing, or the *Ecclesiastical Court* in admitting to that Office, a Person whom they know to be principled against upholding their Church and Worship? It were perfectly absurd to suppose that they chuse him with any such View. If the *Ecclesiastical Court* in such a Case, being neither *Matrimonial* nor *Testamentary*, shall administer any *Oath* or *Affirmation ex Officio*, we apprehend that they do therein transgress the Statute of 13 Car. II. Cap. 12, and abuse the Kings Subjects by an illegal and unwarantable Imposition: And in case they shall prosecute any Man for refusing to take such *Oath* or *Affirmation*, the Law of the Land will protect him by prohibiting their Proceedings. The *Examiner*, in this Affair of serving Churchwarden, appears neither to understand the *Quakers* Principle, nor what is consistent with it.

As little to the Purpose is the *Examiner's* next Paragraph, on which he seems to lay no small Stress, " Let them, says he, observe the Behaviour of their *London Teachers*, and see, if they can find any of them, who rather than to use a different, and more expensive Fuel, have not chosen to pay the Tax upon Coals, which was expressly laid for the finishing St. Pauls, repairing of *Westminster Abbey*, and building the

" fifty New Churches. Will they say, that per-
 " haps the Men live not up to their Profession,
 " but may act against their Conscience through
 " the Terrors of Ruin and Imprisonment? No,
 " the Act is voluntary."

What Act? The Act of buying Coals and paying for them: The Tax upon Coals is not laid nor levied upon the particular Persons who use them for Fuel, nor has the Payment of that Tax any Relation to a particular Person's Choice of that or any other Firing, whether more or less expensive. But, admitting that a *Quaker* was immediately concerned in the Payment of that Tax, we see nothing in his so doing but what is very consistent with his Profession and his Conscience: For he is obliged both by Profession and Conscience to observe the Gospel Precept of *rendering to Cæsar the Things that are Cæsar's*; wherefore *Christian* Obedience enjoyns his Conformity to a Tax immediately payable to the Government, in which Payment his Duty is discharged. But to what Uses the Money so paid shall be applied, 'tis incumbent upon the *Conscience* of the *Government*, not of the *Quaker*, to direct. The Payment of such a Tax is not a parallel Case to that of paying Tithes; which are not a Tax payable to the *Government*, nor are the *Consciences* of the *Subjects* discharged by the *Government* from their immediate Concern in the Uses to which they are applied: So that a religious and truly *Christian* Scruple may rest upon the *Conscience* of the *Quaker* respecting the Payment of his Tithes; while yet in the other Case the Weight of that Scruple may be justly removed.

moved by the *Gospel Injunction* of paying *Tribute to Cæsar*. For, as the Precepts of Christ have a general Tendency to exalt the just Power and lawful Authority of the Civil Magistrate; so the very Tenour, and Purpose of the Gospel was, to set Mankind at Liberty from the Vassalage of Sin, to free their Consciences from the usurped *Power* and slavish Impositions of *Priests*, and to translate them from that *Bondage* under which they were held, into the glorious *Liberty* of the *Sons of God*. The *ultimate Views* of the *Quakers*, which the *Examiner*, pag. 34. wishes at so "great a Distance," are directed only to the Completion of this happy Estate of *Gospel Liberty*: A Liberty perfectly consistent "with the general Good of the Community," how inconsistent soever some Persons may think it with what perhaps they value more, *viz.* *their own private Interest*.

The *Examiner* asserts "that they (the *Quakers*) have still many more Scruples inconsistent with the general Good of the Community, of which they are Members, for which their tender Consciences will still want Relief;" but is so little concern'd for supporting the Truth of that Assertion, that he mentions not what those *Scruples* are.

He proceeds thus, "And they were never found wanting to themselves, in any Way to obtain their Ends, altho' it were by supporting the Violence and Rapine of a Protector, or flattering the dispensing Power of an Arbitrary Prince." *Slanderous Accusations* prove nothing but the *Malice* of the *Accuser*; which being void of *Reason* vents it self in *Railing*. The peaceable

and inoffensive Demeanour of the *Quakers* under every Mutation of Government since they were a People, is sufficiently known to secure their Character, in the Opinion of judicious Persons, from the Imputation of any such Calumny: And indeed a Charge of their “ supporting Violence “ and *Rapine*” is too improbable to meet with Acceptance, till it is better supported, than by the empty and unreasonable Clamour of those, from whose *Violence* and *Rapine* every Body knows, they have been very great Sufferers.

We have, as we apprehend, in the foregoing Part of this Section, sufficiently demonstrated, that the *Quakers* exercise no Government but such as is agreeable to the *Holy Scriptures*, and perfectly consistent with the *Duty* and *Allegiance* of faithful Subjects to the *Government* under which they dwell. Nothing therefore can be more frivolous, than the *Examiner's* Objection, that “ they have a *Government* within a *Government*,” because the *Government* of themselves by *Scripture* and *Reason*, renders Men the very best of Subjects to any *Government*. He adds, “ their Records are private,” which imports no more, than that they are such as every private Man has a Right to keep. “ And, says he, the “ Extent of their Decrees unknown;” Words which evidently imply his own Ignorance of them, and that he justly deserves Rebuke for speaking *Evil of those Things which he knows not*. We have also shewn that they assume no Power of making *Laws*, but that they only press Obedience to those which *Christ* himself hath made: That they do not “ enforce on the Consciences of their “ Followers”

“Followers” any Thing, but what those he calls their Followers are first convinced in their own Consciences to be just and Righteous: That they injure no Man in his just Property, but think themselves, in their own Application of their own Property to religious Uses, obliged to act nothing which they are persuaded in Conscience the Gospel of Christ forbids. If at any Time, as in the *Cafe of Tithes*, human Laws seem to them to enjoyn what *Christ's* Gospel forbids, they do not “defy the Power of the Law,” but humbly and patiently submit to suffer its *Penalties*, as becometh *Christian Men* in such Cases to do: The *Levity, Reproach and Scorn*, which the *Examiner* treats them with on this Occasion, they cheerfully receive, as the necessary *Concomitants of Christian Obedience*, which has ever met with the like Usage, from *perverse Disputings of Men of corrupt Minds, and destitute of the Truth, supposing that Gain is Godliness*, I Tim. vi. 5.

S E C T. II.

The EXAMINER's Pretence of the Insufficiency of the Acts of 7 & 8 of K. W. III. to secure the Property of the Clergy shewn to be groundless; and the Oppression of taking more rigorous Methods demonstrated.

WE have in the foregoing Section shewn, that what the *Examiner* calls the *Clergies Property* in *Tithes*, has its Foundation in the grossest *Error* and *Superstition* of the *Romish Religion*: And that the *Donations* of them were for *Uses* and *Services* of that *Religion* justly rejected by *Protestants*: Whence it seems natural to infer, that the same *Protestant Principle*, had it been closely adhered to, would have also rejected the *Pay annexed* to those *Services*. Both the one and the other appear to the *Quakers* equally *popish* and *superstitious*, and for that Reason they are obliged in Conscience equally to refuse them.

They apprehend that so *Protestant* a *Scruple* cannot justly entitle them to any hard *Usage* from a *Protestant Clergy*, who ought to consider that all Men are not alike capable of understanding the Power of the *Laws of the Land*, nor that the Force of their Operation in Religious Matters is such, as can transmute *popish Superstition* into *protestant Property*: A Point, which, however

however *clear* to the Clergy, may seem *mysterious* to those who have not the Opportunity of viewing it in the same Light they do. Even they themselves have thought meet to vary their Claim to Tithes occasionally: They claimed them for many Years as of *divine Right*, and due to *God and Holy Church*, by Virtue of their original *Donations to popish Predecessors*, and this Claim they constantly asserted as long as they found Men capable of entertaining so gross a Deception: But since the Light of Gospel Liberty and Freedom of Conscience, granted by the Act of Toleration, the *Continuance* of which is the Glory of our present Establishment, perceiving so dark and superstitious a Claim no longer susceptible, they have Recourse to a *Pretence of Property*; but how weak the *Examiner's Arguments* for supporting that Pretence are, we have before endeavoured to shew. All his Attempts on that Head do not in the least affect our Conscientious Testimony against Tithes as founded on *popish Superstition*: Had he cleared up that Point by shewing their *Original* to be either *Protestant* or *Christian*, his Performance might have been worthy our Attention: But, instead of that, to take for granted his own mistaken Notions of Property, and to treat us, as he does, (pag. 35, 36) as Rebels, Thieves and Robbers, for not subscribing to them, is not only irrational, but strongly favours of a bitter, turbulent and persecuting Disposition, really scandalous to the Cause he espouses. But, let him know, that the *Quakers* Conscience continues calm and serene, neither disturbed at the Noise of his Thunder, nor intimidated

intimidated with the Flashes of his Fury. To allay the feverish Heat of his Temper, we recommend to him a cooling Lesson of Bishop Wilkins, who says, * " Moderation doth suppose a Matter of Right and Justice, and then besides, the better the Cause is, the less Need is there of any immoderate rigorous Course in the Asserting of it: We shall hereby rather prejudice than promote it, by inducing a Suspicion, that 'tis not so much Truth or Justice, as something else that drives us on: And then besides, where would this Principle end? If one Man may be severe and rigorous because he is in the Right, why then another, who doth but think himself so, will be so too: And according to this, what would become of Peace and Society? Such blustering, boisterous Tempers, as are all for the great River *Euphrates*, which runs with a Torrent and a mighty Noise, and refuse the still Waters of *Shiloah*, which run softly and gently, as the Prophet speaks, *Isa.* viii. 6. Such are no Friends to Peace, because 'tis the Latter which is the River, whose Streams must make glad the City of God, *Psal.* xlvi. 4."

The Quaker does not, as the *Examiner* insinuates, pag. 35, " set up a Claim upon pretence of Conscience to another's Estate;" but only asserts his own rightful Property in his own Estate, the Property of peaceably enjoying the Fruits of his own Expence and Labour, to which

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* Sermons preached on several Occasions pag. 423, 424, Edit. 1682.

no other Man either is or ever was justly entitled. His testifying against the unjust Impositions of *Popish Superstition* upon his Estate is perfectly consistent with the *justest Notions of Right and Property*. He is therefore wholly unconcerned in the *Examiner's* extravagant Talk about " the " Crown, the Nobility, the Clergy, the Estates, " and Property of the Subjects of *England* fal- " ling a Sacrifice to the Pretence of Conscience ; " which he is pleased to call an *Idol*: However, some Persons, who have read the History of those Times, think themselves sufficiently warranted from thence to believe, that the Counsels of a Set of Men, who were never suspected of *idolizing Conscience*, had no small Influence in occasioning the national Calamities he mentions.

The Conscience of the *Quaker*, which enjoins his *Obedience* to the *Precepts* of the *Gospel*, doth no less enjoyn his peaceable *Submission* to the *Law* of the Land, the Execution of which he never opposes; wherefore, with respect to him, whose Principle 'tis humbly to submit, the Law is always capable " of supporting itself," without the *Sanction* of " inflicting Penalties" or exercising any Severity. This the Clergy and their Agents cannot be ignorant of, who frequently come into the *Quaker's* Grounds, and carry away his Corn, which, in Submission to the Law favouring them in a Claim he thinks unjust, he patiently suffers without Opposition; for he both professes and practises the Duty of Christian Submission to the Power of the Law in its utmost Extent, even in Cases where his Conscience is not satisfied of the *Equity* of its Injunctions. So that

the most favourable and *easy* Law, is as effectual a Remedy for the Recovery of a Claim from him, who never opposes any, as the most *rigid* and *severe*.

The *Examiner* acknowledges (pag. 37.) that “ Punishments should in *common Cases* be adequate to the Offence,” but as he admits not our Refusal of Tithes, so neither do we admit the Clergies *Demand* of them from us, to be a *common Case*. For ‘tis a Demand of Pay for nothing done, which certainly is a very *uncommon Case*; and most effectually exposes the *Weakness*, if not *Wickedness*, of the *Examiner’s* Way of Arguing, who under Pretence of “ the Frequency of the Crime, and the Stubbornness of the Offender,” plainly aims at an “ increasing the Severity” of the Law, in Proportion to the Injustice of the Demand refused; and would, by Terrors prevent, “ in many Cases” the Refusal of a Claim, which “ if considered in each Case singly,” has neither Reason nor Equity to support it.

The *Examiner’s* next Attempt is to represent the *Quakers* as guilty of “ the highest Offence in Civil Cases, viz. that of Contempt of the Authority of the Court, as it stops the Course of Justice, and defies the Power of the Magistrate: And this, says he, is in all Cases still the same, whether the Matter in Contest be great or small, whether the Suit might in the Event prove just or unjust; and he who suffers upon this Account can blame neither his Adversary nor the Law, but his own Obstinacy only.”

“ And

" And yet when the *Quakers* are told, that the
 " greatest Part of their pretended Sufferings arose
 " from *Attachments* for Contempt of his Majes-
 " ty's Authority in his several Courts of Judica-
 " ture ; that they cannot be said to be brought on
 " them by the Clergy, when they are occasion'd
 " by their own Perverseness in carrying on an Op-
 " position to the Law of their Country. They
 " reply, *How came they under the Cognizance of*
 " *the Courts of Judicature ? Were they not*
 " *brought thither at the Suit of the Clergy ? The*
 " *Original Cause of their Sufferings did not arise*
 " *from the Courts, but from the Clergy, who would*
 " *now lay the Blame of their Doings upon the Courts.*
 " *'Tis a stale Artifice of the Clergy to call the As-*
 " *sistance of the secular Magistrate into their Ser-*
 " *vice, and afterwards to express their Gratitude*
 " *by transferring the Odium of the Prosecution,*
 " *from themselves, upon those whom they employ'd*
 " *therein.'*

This Reply states the Matter aright, and lays the Blame of the *Quakers* Sufferings at the Door of the proper *Authors* of them, *viz.* the *Prosecutors*; for in all Prosecutions of this Kind, every Step of the Proceeding against the *Defendant* is carried on, and every Order of the Court against him is made, at the Motion and Request of the *Plaintiff* or his *Council*; to whom therefore the whole Severity of the Proceeding is justly imputable. If the *Examiner* can see no Difference between *a just Imputation of Severity to malicious Prosecutors*, and " arraigning the Justice of the " Nation;" between *blaming the Promoters of unnecessary Law-Suits*, and " libelling the Go-
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 " vernment;"

" vernment ;" between speaking Truth of the Clergy, and " reflecting on the Courts of Justice ;" 'tis because *Malice* and *Anger* have perverted his *Judgment*, and rendered him for the present incapable of *sedate* and *calm Reasoning*.

The *Examiner's Query*, " Do not they enjoy " the Benefit of the Toleration in its full Extent ? " We answer by Counterqueries : Does not he envy them the Benefit of the Toleration in that Extent they do enjoy it ? Do not such Prosecutors among the Clergy as he pleads for, prefer the *severe Laws* of those Governments under which *no Toleration* was granted, before the *milder* and *easier Laws* made by that Government which granted the *Toleration* ? Do they not by such Preference plainly declare, that the *Severity* of those former Governments is more suitable to their Disposition than the *Lenity* of the present ? Does not their Choice of the severest Laws in Being shew, that their *Will to persecute* knows no Restraint but their *want of Power* ? Were " Sanguinary Laws merely upon Account of religious Opinions" now in Force, those Persons certainly indicate the strongest Inclinations to use them, who are chusing to prosecute by those Laws in Being which nearest resemble their Severity : And were the *Writ de Hæretico comburendo* yet unrepealed, no Persons would more probably have Recourse thereto, than those who now frequently sue out the *Writ de Excommunicato capiendo*, which is its own Sister, and as justly merits to die the *same Death*, and to be buried in the *same Grave*. The *Examiner's Talk* of " necessary Coercion in civil Causes" reaches not

not the present Case ; for the *Quaker's* Refusal to pay Tithes arises purely from his “ *religious Persuasion* ” of their being forbidden by the Doctrine of Christianity.

“ But, (says the *Examiner*, pag. 39.) it is a stale Artifice of the *Quakers* to throw Reflections upon the Reformed Clergy, from what was the Effect of the Pride and Cruelty of the Church of *Rome*.”

We reflect not upon the *Reformed Clergy* : We complain only of those among them who are yet so *unreformed* as to bring forth Fruit in some degree similar to that which “ was the Effect of the *Pride and Cruelty* of the Church of *Rome*;” and which we cannot apprehend to be the Effect of the *Humility and Clemency* of the Church of *England*. The compleat *Reformation* of the Clergy would put an end to our Complaint respecting them. The *Quakers* are behind no Men in a “ steady Adherence to our excellent Constitution,” nor in a just Sense of Duty and Gratitude to God, and the Government, for the Happiness they enjoy under the present Establishment,” and for the Ease, Tranquillity and Toleration of the several *Protestant* Churches in *England*. The *Examiner's* Assertion, pag. 39, that “ the *Quakers* basely deserting the Cause of Religion and Liberty, would have sacrificed the Nation to a *Popish Power*,” is equally false and malicious. The *Quakers* at all times espoused and pleaded for “ the Cause of Religion and Liberty;” for this Cause they have suffered much, and had some Clergymen their Will, might still suffer much more. A material Difference

ference 'twixt them and the Clergy before the Revolution, respecting that Cause, was, that the Quakers, under every Government, declared themselves for a general Liberty of Conscience; the Clergy for their own. The Quakers had for many Years undergone, from a Government called Protestant, such a grievous Persecution for the Cause of Religion, as (excepting Laws immediately Sanguinary) had never been known under any Government in this Nation, either Popish or Protestant. The Clergy in those Days sat serene and easy, undisturbed at the "Popish Power" of Persecution then exercised against their Fellow Protestants. The Examiner now charges the Quakers with "deserting the Cause of Religion", for no other Reason, than accepting from a Popish Prince some present Relief from the Sufferings sustained for their Religion under a Protestant Government, and a Protestant Clergy. He represents them as "deserting the Cause of Liberty" for no other Reason, than their Acceptance of Liberty, when a Popish Prince had set open the Doors of those Prisons and Dungeons which Protestants had lock'd them up in. But the Examiner to blacken the Quakers, spares not to advance the most apparent Absurdities: With him, to accept Relief from Sufferings for Religion, is, to desert the Cause of Religion; to come out of Prison, is, to desert the Cause of Liberty; to accept Liberty of Conscience, is, the way to lose it; and an humble Representation of unnecessary Prosecutions and Grievances, is "an abusing of the Clergy." The Quakers nevertheless humbly apprehend, that such a Representation may be very consist-

ent

ent with the Liberty “ intended them by the “ Toleration;” the Design of which, no doubt, was, that the *Popish Power* of Persecution might never be re-assumed by *Protestants*: And the Intent of the Government since the *Toleration*, in granting more easy Laws for the Clergies recovering their Claims, no doubt, was, and is, that all unnecessary Recourse to former Severities might cease, and that ill dispos'd Persons, some of whom may mix themselves even with the purest of Societies, might not by *Acts of Oppression* detract from that *General Character of Moderation*, which is the brightest Ornament of a *Protestant Clergy*, and the Honour of our Present happy Establishment.

We return to the *Examiner's Charge* against the *Quakers* of condemning the Courts of Justice: Upon which he observes, pag. 40. That altho' so many Instances “ are given in the *Brief Account* of Imprisonments, so great Complaints “ made of Injury and Oppression from Proceedings call'd ruinous and destructive, together “ with a long List of such Imprisonments annex-“ ed, yet no mention is made that any single In-“ stance was for Contempt, when most of them “ will appear to have been so.” We have already shewn that the whole Severity of the Proceeding and its Consequences are imputable only to the Prosecutor; and that the Court issues its Decrees, even for Contempt, at the Prosecutor's Motion and Request. To his Query, “ Had the “ Clergy a Right to bring them into these “ Courts of Judicature? We answer, that they had no other Right than what proceeded from their

their own Refusal of an easier Method, and their Choice of a more severe ; which Choice discovers a persecuting Inclination. But, says he, " Undoubtedly they had a *Right* by the known " Laws of the Land." And, say we, Undoubtedly Persecutors in all times and Places generally had that *Right*, which if admitted to excuse their Actions, will justify all the Persecutions that have been against the Christian Religion, and condemn all that have suffered for its Cause, as Contemners of the Laws of the Land. On this single Pretence of Contempt of the Laws the Hinge of Persecution turns : Had not the Testimonies of all the Martyrs and Confessors for Christianity been reduc'd to this Point, the wicked Designs of their Adversaries could not have accomplished their Destruction. They all suffered as *Contemners* of the *Laws*. To which Charge of Contempt they only objected the *Obligations* of their Consciences and the Dictates of the Christian Religion ; they said, as the *Examiner*, pag. 41, represents the *Quaker* saying, " We con- " scientiously refuse." This Conscience of Well-doing, however the *Examiner* may call it " a " Cloak too short to cover them," (*viz.* from the Fury of Persecutors, and the Malice of evil-minded Men,) was, nevertheless, to them a *Robe* of *Righteousness*, wherein they were accepted of God, and approved of his Servants. That the *Quakers* scruple not the appearing and answering in a Court of Justice, is plain, in that they do frequently appear and answer there : Nevertheless, in some particular Cases of pure Conscience and Religion, where they have nothing of Law to plead,

plead, they may with Prudence and Innocence avoid an Expence and Charge, (which perhaps they are * not able to defray,) by their standing still, and submitting their Persons or Estates, or both, to whatsoever the Law shall determine, even to the incurring more early its Penalties which they know in the Issue of the Cause to be unavoidable, and which the Preservation of the *Peace of their Consciences* must subject them to: A Conduct, which, in a Cause of Religion and Conscience, seems justifiable by the Text, *Matt. v. 40.* *If any Man will sue thee at the Law and take away thy Coat, let him have thy Cloak also:* And yet in all such Cases, whatsoever they suffer by Imprisonment, or otherwise, is altogether owing to the Intention of the Prosecutor, or to his severe Choice of the Suit which occasioned it; for the Law in these Cases is only the Instrument of his Rigour, who might have recovered his Claim by a more easy Method.

Where the Moderation of *later Laws* has been designed by the Government to supersede the Rigour of *former*, does not all unnecessary Recourse to the Old Severities indicate a *Dislike* of the Lenity of the present Government, and a *Contemptuous Opinion* of the Wisdom of its Administration ?

The Examiner's Objection, pag. 42, that "he
" (the Quaker) pays to the *Militia*, tho' he pre-
" tends Conscience against it," we have already

K

shewn

* It having sometimes happened, that Clergymen have prosecuted Widows and others so very poor, that it would have been Charity to have relieved their Necessities.

shewn the Weakness of, and that the Precepts of the Gospel which oblige the *Quaker* not to fight, do at the same time equally oblige him to pay Tribute to the Magistrate. His pretence, that " many of them do the same in Church-Rates, and even in the same Case of Tithes," we have sometimes known to be an Artifice falsely invented to induce others to comply, upon a silly and groundless Supposition, that the *Quakers* follow one another as *blindly* as some *Men* do their *Priests*. These artful Collusions of the *Examiner* we contemn. But 'tis no wonder that he attempts to impose upon us; who takes the Liberty to pervert Texts of Scripture, and to represent the * Advice of our Saviour himself, as tending to the Support of Ecclesiastical Encroachments, and *Romish* Superstition.

" They own (says the *Examiner*, pag. 42, 43,) " they refuse to pay, but the Methods are too severe, whereby they are forced to comply, and therefore desire a more easy Way of recovering Tithes, &c." If this easy Way could be found, do they promise to comply with it? No. — The whole Foundation of their Defence is, that all the Laws, which have been made, are, and which can be made, will be unjust, and contrary to the Laws of God, and Dic-tates of their Conscience: They would have the Advantage of the Law in all other Cases, but would not be subject to it in this. They would enjoy the full Benefit of the Toleration, but will not comply with the Terms on which it

" it was granted." Thus would his Sophistry form a Pretence that the Payment of Tithes is the Terms or Condition of the Toleration, which, tho' a meer Fiction, shews his Will to be, that every Man's Liberty of Conscience should be farmed of the Clergy, and that none should enjoy any without first paying them. But this certainly was not the Intent of the *Act of Toleration*, which tho' it doth not exempt Men from paying Tithes, yet it grants the Benefit of the Toleration as fully to those who do not pay Tithes as to those who do. And the full Benefit of that *Act* was thereby designed to be enjoyed by the *Quakers*, tho' 'twas well known that they had, for more than forty Years before the passing of it, constantly refused to pay Tithes. The *Quakers* who christianly submit to all Laws, and oppose not the Execution of any, how grievous soever they may appear, ought not to be depriv'd of any Advantage of the Law: For a dutiful Submission to the Law gives them a just and reasonable Title to its Protection.

The *Examiner's* pretence that the *Quakers* Application was to have " the Property of the Clergy taken from them" is not just; for that *Application* was only to restrain the *Clergy* and others from the *Exercise* of unnecessary Severities in recovering what they mis-call their *Property*.

To the *Examiner's* Query, " Was there ever such an Application by any Sect in any Place or Age made to a Legislature?" It may be sufficient to observe, that the Application was not more unusual, than the Nature of the Severities which occasioned it was extraordinary: The *unnecessary*

unnecessary Choice of which *Séverities* the *Examiner* has not yet reconciled to *Common Christianity*, far less to the *merciful* and *peaceable Character* of its *Ministers*. The *Cases* of *Insolvent Debtors* and their *Creditors*, of *Landlords* and their *Tenants*, and of *Tradesmen* and *those who owe them Money*, are not parallel to that of the *Clergy* and the *Quakers*; for in those *Cases* a just *Debt* has been contracted for a reasonable and valuable *Consideration*: But the *Clergies Claim* upon the *Quakers* has neither *Contract* nor *Equivalent*, nor any reasonable *Consideration*, to support it; but entirely depends on the Force and Power of Law, without the necessary *Concomitants* and substantial *Reasons* of social *Right* and *Equity*, on which in those other *Cases* the *Law* itself is founded: Wherefore the *Examiner*, pag. 43, 44, 45, 46, expatiates on those Points to very little Purpose: For if it would be a just *Reflection* on the *Characters* of those whose *Debts* are intrinsically just and equitable, to chuse the severest Methods of recovering them; how much more just a *Reflection* is it on the *Characters* of *Clergymen*, for a *Claim* which has no *Shadow* of *Justice*, but what it derives from the *Law*, and for the easy Recovery of which they are peculiarly indulged by the *Legislature*, to have recourse to those *Measures* which in *Claims* intrinsically just, other Men, alike privileged, would think it a *Reproach* to use.

The *Examiner* queries, pag. 45. " Has not
 " the Complainant in all *Cases* the *Choice* of his
 " *Action*? " Supposing that he hath; yet the
having a Choice will not justify him in making an
ill One; nor will it make his *evil Choice* a *Sign*
of

of a good Disposition. His Choice of unnecessary Severities may nevertheless be an Argument of his malicious Intention ; and it would be “ a gross “ Absurdity” to propose such a Choice as an Instance of Clemency and of a Christian Temper.

“ When we consider, (says the *Examiner*, pag. “ 46.) the Nature of the Clergies Property, their “ Fortunes, and the Circumstances they are under “ in regard to those they have to deal with; there “ will be but little Reason to imagine that they “ would involve themselves in tedious and expen- “ five Suits ONLY to hurt their Neighbour.” Here he denies not that one Design of those Suits is to “ hurt their Neighbour :” but he denies that to be the ONLY Design of them. What else then have the Clergy in view in carrying on those Suits ? Not their own immediate Profit in the particular Causes so sued for : For in that Respect the *Examiner* tells us pag. 47, that his (*viz.* the Clergyman’s) * Income is generally too “ small for a Provision for his Family, fre- “ quently

* The *Examiner* has (pag. 47,) a Marginal Note, reciting the Number of Poor Livings augmented by the Royal Bounty ; which Livings might for ought we know, have been as poorly supplied. But he thence takes Occasion to reflect on “ the Ingenuity and good Manners” of Robert Barclay, in calling the Clergy Greedy Dogs, which can never have enough: Words by that Author cited from Isa. lvi. 11. and by him applied to such as “ preach for Hire and Divine for Money,” and look for their Gain from their Quarter, and prepare War against such as put not into their Mouths. Micah iii. 5. 11. Which Texts are not applicable to the Clergy, unless they bear similar Fruits to those of the Persons therein described.

" quently for his own Subsistence, and allowing
 " them but a common Degree of understanding,
 " he can never imagine that he can be Gainer by
 " a Tedium and Expensive Suit," and shews,
 that even in Cases of Recovering " treble Da-
 " mages with Costs," yet " considering those
 " Charges which attend a Suit, beyond what the
 " Courts can give, he will find himself no Gai-
 " ner," and that " in many Instances he may
 " have supported his Right at the Expence of his
 " Maintenance," and again, pag. 48, " his
 " whole Demand *may* be more than swallowed
 " up by the Charges of a Suit." So that he ad-
 mits those Suits to be " hurtful to their Neigh-
 " bours" and of no immediate Profit to them-
 selves. But, he lets us know, that such a Prose-
 cution, tho' immediately detrimental, may, in its
 Remoter Consequences, be very beneficial to the
 Clergyman's Income, by its keeping other Men in
 Awe, and preventing their Disputing his Claims;
 for speaking of such a Suit, he says, " If neglected,
 " this may draw a Refusal from others, to the Loss
 " of the chief Part of his Subsistence: Where it
 " depends on Custom it may destroy his Title,
 " whilst the wrong Doer endeavours to possess
 " the Parishioners with a Notion, that he is in-
 " troducing *New Customs* to their Prejudice, and
 " denies the Title to what is demanded." The
 Examiner may please to inform us what he means
 by *New Customs*, because we think that *Expres-*
sion has a Contradiction in its Terms, and that
 what is *New* is not a *Custom*. But to enquire a
 little into this Affair; What has the Clergyman
 to fear? Is there any Danger of his Parishioners

enter-

entertaining a wrong Notion in this Case? Do not they know what is their Custom; and whether a Claim upon them be a New One, or such as they have been us'd to pay? 'Tis possible, that an Avaricious Priest, (for such there have been, and may be again,) may for his own Interest attempt the introducing Novelties to their Prejudice; and to secure himself against their Refusal may sue a conscientious Man with a Design NOT ONLY to hurt him, BUT ALSO to terrify others, and to make them see and tremble at the ruinous Consequences of disputing his Pleasure, and of Non-Submission to his arbitrary Claim. He well knows, that the visible Effects of Sequestration and Imprisonment are apt to make greater Impressions on the Minds of his Parishioners, than any other Arguments he can use; and that Fear may induce them to comply with what their Reason would refuse. By such Means as these, *Novel Impositions* enforced and continued by *Terrors*, have gradually been improv'd into established Customs, and Payments so established have in process of Time been called by the Imposers their *Property*. Thus have expensive Suits against some been carried on with a Design of terrifying others to a Compliance with such Claims, as the Clergy have occasionally been disposed to introduce.

Thus has the *Examiner* effectually verified the Observation made in the Preface to the *Brief Account, viz.* " that some professing to be Ministers of the Gospel of Peace, have by unnecessary and expensive Law Suits sacrificed their own Quiet and Interest to the Oppression and Ruin of their Neighbours;" but with this Sal-

vo, that 'tis not ONLY to hurt their Neighbours that they sacrifice their present Peace and Interest; but that tis ALSO to induce Compliance with such *New Claims* as they may judge for their future Advantage to establish. Thus has he also confirmed the Truth of a * Remark formerly made *viz.* that " persecuting Clergymen, by lessening " their Character, may augment their Maintenance;" and has shewn that what he calls a smart Reflection, pag. 46. and would impute to *Malice*, has a very just " Meaning in it."

Hence it appears, that by the *Examiner's* Pre-tence on Behalf of the Clergyman (pag. 49,) that " Necessity forced him," he intends, not the *Necessity of Recovering* an *usual Claim*, but of *establishing* an *unusual One*. And that when he says, (pag. 49, 50,) " that the other Remedies " were not, or at least were not believed by him " to be *effectual*," he does not mean, that he did not believe them *effectual* to recover his known Demands; but that he believed them *not effectual* to impress the Terrors necessary for enforcing such New Claims as he might think proper to introduce; the Introduction of which, he wrongfully calls, " supporting his Right and maintaining his Property."

The *Examiner* observes (pag. 48, 49,) that a " Landlord's Tenant is of his own approving," and that " the Merchant or Tradesman" has the Choice or Refusal of " those they trust." " But those, says he, from whom the Clergies " Income, even their Subsistence arises, are not
" of

* *Remarks on the Defence of London.* pag. 22.

" of their own choosing—The Landlord's Lease, and the Tradesman's Books may ascertain their Demands; whilst the *Incumbent* may have an unsettled Account with every Inhabitant in his Parish." But, whence does that Uncertainty and that Unsettledness arise? Is it not from the peculiar Nature of his Claim? Had that the usual Justice which other Men's Claims have, it would be capable of being ascertain'd and settled by the usual Methods. But the Clergyman's Claim upon the *Quakers* is parallel to that of a *Landlord* claiming Rent from a Person who never was his *Tenant*, or of a Tradesman demanding a Debt from a Person he never had any Dealing with. In such Case the Law will not admit either Landlord or Tradesman to recover any Thing. And yet, when in a Case exactly parallel, the Law not only indulges the Clergyman with a Power of recovering a Claim, from a Person who never had any Dealings with him, nor ever received any Thing from him, but also puts into his Hands an easy Method of recovering that Claim; he complains that he is "under hard Circumstances," for no other Cause, than that upon his wilfully rejecting that easy Method, and preferring the Exercise of unnecessary and ruinous Severities before it, "he is styled a Persecutor." An Appellation, under which he seems very uneasy, and to which, we, who desire the Peace and Quiet of all Men, could wish; the Malignity of his Choice had never entitled him.

The next Thing which the *Examiner*, (pag. 50) undertakes, is the answering a Question pro-

posed in our REMARKS on a Defence for the Diocese of St. DAVIDS, pag. 50, viz. " Whether the Tithes demandable by Law, either by the Clergy, or others, be not better secured to them, by one, uniform, short, easy and certain Method of Recovery, than by having recourse to Variety of Prosecutions, tedious and expensive to themselves, and others, * dishonourably severe, and in the End oftentimes ineffectual?" To this the Examiner says, " I shall readily

" answer

* The Words dishonourably severe, tho' manifestly relating only to the tedious and expensive Prosecutions last before mentioned, the Examiner by a false Construction applies to the Laws which are not at all mentioned. This palpable Misconstruction seems one of his favourite Witticisms; he is so fond of it, as to repeat it frequently, for Instance, pag. 51, he pretends to query, whether " the Laws of the Realm do deserve to be stil'd dishonourably severe?" pag. 65, " Methods which the Quakers without any Colour of Reason stile dishonourably severe." pag. 66, " Who dare stile the Laws of the Land, and the Courts of Justice dishonourably severe." pag. 70, " and yet he calls those Laws dishonourably severe." pag. 133, " stile those Laws they disobey dishonourably severe" and elsewhere. With Repetitions of so silly a Perversion would be impose upon his Readers, who, we doubt not, will remark his Folly in making no Distinction between vexatious Prosecutions, and the Laws themselves; between litigious Prosecutors, and the Courts of Justice; between unnecessary Suits, and the Statutes of the Realm; the Former of which may be justly and deservedly censured without any Imputation on the Latter. But the Examiner probably thinks to atone for disregarding the most obvious Distinctions, perverting the plain Sense of other Mens Words, and neglecting the Truth of his own, by a single meritorious Act of abusing the Quakers.

" answer in the Affirmative, if such a Method
 " was or could be found." Such a Method, we
 say, the Claimers of Tithes from *Quakers* already
 have; and that the *Acts* of 7 & 8 K. W. 3. do
 prescribe such a Method. If other Men have not
 " the Benefit of such a Method" for recovering
 their Debts, the peculiarity of the Favour renders
 those who have the less excusable in rejecting it.
 The *Examiner* denies that those *Acts* do prescribe
 any such *Method*, and pretends to prove the
 Method by them prescribed to be ineffectual.
 We are next to consider his pretended Proofs of
 their Insufficiency.

He pretends, pag. 51, "that these *Acts* of
 " King *William III.* were not by the Legislature
 " thought effectual, will appear from the Title
 " of the Bill, which was brought in, and which
 " the *Quakers* so strenuously solicited, *viz.* A
 " Bill to *enlarge, amend, and render more effectual*,
 " the Laws now in being, for the more
 " easy Recovery of Tithes, Church-Rates, and
 " Oblations, and other *Ecclesiastical* Dues from
 " the People called *Quakers*," and queries, "If
 " these Laws were already effectual, what Amend-
 " ment could they want?" Though he cannot
 be ignorant that the Design and Foundation of
 that Bill for rendring those Laws more *effectual*,
 was not from any Defect in the Laws themselves,
 but from the Prosecutors taking more rigorous
 Methods. For those Laws being thought in
 themselves *effectual*, the Restriction of the Pro-
 secutors from severe Courses was intended to
 make them *more effectual*. This he in a manner
 acknowledges to have been the Case, when he

says pag. 52, " But as the Reflections upon the
 " Clergy have been made chiefly for their not
 " having confined themselves, for the Recovery
 " of their Dues, to the *Acts* of 7 & 8 of K.W. III.
 " and the Instances in the *Brief Account* relate
 " only to those *Acts*, I shall confine my En-
 " quiry to them." We are next to observe whe-
 ther in his Pursuit of this Enquiry he proceeds
 rationally, or not. " By one Method, *says he*,
 " I presume they mean one single Method of
 " Recovery ; and with what Propriety can it be
 " so call'd, when there are different Rules laid
 " down in each *Act*, the One has Regard to all
 " Detainers of Tithes, &c. in general, the
 " Other to the *Quakers* only." His Presump-
 tion herein is certainly right: We do mean, by
 one Method, *one single* Method, *viz.* the Method
 of Recovery by Justices Warrant, the *one and*
only Method of Recovery prescribed by those
Acts, or either of them. In case of an Appli-
 cation to the Justices for Recovery of a Claim,
 'tis left to their Discretion to determine whether
 of those *Acts* they will proceed by, for tho' the
 Latter relates peculiarly to the *Quakers*, yet the
 Former of them comprehends *Quakers* as well as
 others: And the Value and Species of the De-
 mand will easily direct the Justices in their
 Choice. The *Direction* of the Justices Choice
 in this Case affects no Body but themselves; what
 then has the Prosecutor to do with it? Are not
 those *Acts* equally effectual for the Recovery of
 his Claim, whether the Justices ground their
 Warrant upon one, or both, or either of them?
 If he is disposed to recover his Claim by those
Acts

Acts, what Reason can induce him to start imaginary Difficulties, which, were they *real*, could not obstruct that Recovery, unless objected by other Persons. Such moderate Persons of the Clergy, as have frequently recovered their Claims in the Method prescribed by those Acts, can assure the *Examiner*, that the Justices have not been under any Difficulty of forming their Judgments in this Case, nor have their Decisions been clog'd with any such Doubts. Wherefore the Pretence of them is to be regarded only as an artificial Amusement, invented by those whose Dispositions incline them to evade any Application to the Justices, and who, to excuse their Recourse to more rigorous Methods, form imaginary Objections, which others who have made such Applications never met with. The Acts are sufficiently plain, and the Power of the Justices, more limited by the *former* Act, are evidently enlarged by the *Latter* as to *Quakers*, in comprehending all Tithes and Church-Rates, not exceeding 1*q. l.* in Value, without any Limitation of Time. If any Persons therefore have imagin'd that "the Complaint must in both be made within two Years after the Tithe became due," or have "thought themselves restrained by the one from proceeding on the other," their Negligence or Non-attention to the plain Sense of the latter Act must have been the Cause of their Ignorance in that Case. The *Examiner* may be right in observing, that "the First Act was design'd for their (the Clergies) Benefit," but is mistaken in saying, "the Latter from the several Imperfections and Omissions

"*ons apparently was not.*" For the latter Act, so far as it respects the Recovery of the Clergies Claims, and the enlarging the Power of the Justices, was purely and originally design'd for the Benefit of the Clergy, and was obtained at their special Instance and Request: Nor would the Bishops consent to the passing that Act for the *Quakers* Affirmation, without an Additional Clause for the Recovery of Tithes, &c. which accordingly was inserted by their express Direction; and it would be a Reflection on the Judgment of those Prelates, to admit any such *Imperfections* and *Omissions* therein to the Prejudice of the Clergy, as the *Examiner* groundlessly suggests. But what can the *Examiner* mean by saying (pag. 53) that "It is rather a Wonder, " considering the Obstinacy of their Adversaries, "that under these Difficulties they (the Clergy) "should venture to proceed at all upon the Af- "firmation Act." We cannot apprehend that the Clergy run any Risque, or can incur any Danger by so venturing; for if in such an Application they succeed, they recover their Claim: If they succeed not, they lose nothing: An Application therefore cannot hurt them. But there seems just Reason to doubt, that such of them as chuse severer Courses, refrain from any such Application for fear of succeeding therein, and thereby excluding themselves from the Exercise of that Rigour and Severity which is more agreeable to a persecuting Disposition. We presume, that, the Premises duly considered, the Reader will grant us, that, notwithstanding any Thing the *Examiner* has advanc'd, the Method

of Recovery by *Justices Warrants* may be very properly called one single Method of Recovery.

The *Examiner* proceeds (pag. 54) "Neither can it be said to be an uniform Method, as well for the Reasons before mentioned, as that the *Quaker* is at Liberty to object to the Title, and thereby force the Clergyman to proceed at Law, unless he will give it up." What he calls "the Reasons before mentioned," we have before shewn to be no Reasons: And as to the *Quakers* being at *Liberty* to object, that *Liberty* cannot affect the *Method* prescribed, unless he actually doth object, which in Cases of this Nature he is seldom, if ever, known to do.

" And indeed, says the *Examiner*, unless there was an uniform Rule for the Payment of Tithes, which is not to be found, considering the various Customs, Compositions, and Prescriptions, no other uniform Method can be prescrib'd to recover them, but under the Authority of the Courts of Judicature." Here he should have consider'd that the *Uniformity* of the Method of Recovery is not at all affected by the *Multiformity* of the Rule he pretends to claim by: For whether his Claim appears to arise from Custom, Composition, or Prescription, 'tis alike recoverable by one and the same *uniform* Method of a *Justices Warrant*, which renders his Application to the Courts of Judicature unnecessary.

The Instance he cites from the *Preface to the Brief Account*, pag. 10, of the *Quakers* sometimes "disputing his Adversary's Right to what he claims" in order to obtain a Prohibition from

from a Prosecution in the *Ecclesiastical Court*, the
 " Consequence of which may be Excommuni-
 " cation and Imprisonment for Life," affords
 not the least Colour for a Pretence that he will
 dispute his Adversaries *Title* upon an Application
 to the Justices, which is not attended with any
 Appearance of such Danger. Nor does their
 forbearing to " dispute the Title before the Jus-
 " tices" arise from any such Cause as he insinuates,
 but from their Love of Peace, and their dutiful
 Submission to the Law.

The *Examiner* is pleased, pag. 55, to cast a Reflection on the " Courts of Justice" equally *unmerited* on their Part, and *unwarrantable* on his; where he says " When a Suit is brought in
 " an *Ecclesiastical Court*, they may upon a bare
 " Suggestion, tho' false, obtain a Prohibition." Again, " upon telling an Untruth only they may
 " obtain a Prohibition." Thus he represents the King's Courts as regardless of Truth, and granting Prohibitions on bare Suggestions of Falshood. This Reflection seems to be a Symptom of some Remainder of that *old Ecclesiastical Spirit*, which in former Days, before the Reformation from *Popery*, was accustomed to speak evil of Dignities, and to calumniate even the Powers ordained of GOD, upon every Attempt to retrench the assumed Jurisdiction of the Church. To justify the Conduct of those Courts against the Obloquy and Reproach of the *Examiner*, we shall lay before the Reader the true State of their Proceedings in such Cases. The King's Courts are so far from granting a Prohibition " upon a
 " bare Suggestion, tho' false," that they do not grant

grant a Prohibition upon a *bare Suggestion*, tho' perfectly true and well grounded: The Proceedings in this Case are very deliberate. A Motion being made for a Prohibition upon just and well grounded Suggestions, a Rule of Court is granted, assigning a reasonable Time for the Spiritual Court to appear and shew Cause why a Writ of Prohibition should not be made out: If they appear only, and desire farther Time for shewing Cause, 'tis usually admitted: But if the *Ecclesiastical Court*, conscious of their own Irregularity, and of the Validity of the Suggestions, will not appear, a Prohibition is made out to quash the Proceedings which themselves would not appear to defend. Certainly, the *Examiner* must either be very ignorant of the Methods used by the King's Courts in this Affair, or else he must have wilfully misrepresented them, in pretending that a Prohibition may be obtained " upon a bare Suggestion, tho' false." The *Examiner* may do well to consider whether his own Words, pag. 38, do not in this Case retort a just Reproof upon himself, *viz.* " As to the Reflections contain'd in this compendious Invective, so far as they relate to the Courts of Judicature, they rather deserve Correction from the Magistrate than from a private Pen; whilst those, who arraign the Justice of the Nation, cannot but bring an Odium on themselves."

It has been observed, that when *Rules of the King's Courts* to appear and shew Cause have been served on the Spiritual Courts, they very seldom do appear; whether that Neglect arises from a Consciousness of the Badness of their Cause, or

from a *Scruple* of transgressing old Canons and Constitutions of the Church, we pretend not to determine. We have seen some such, *Popish* indeed they are, yet republished since the Reformation, and dedicated to Archbishop Sheldon, in the Reign of King *Charles II.* In one of which is thus written, *viz.* * “ Whereas it “ frequently happens that Archbishops, Bishops, “ and other inferior Prelates, are called by the “ King’s Letters into the Secular Courts, there “ to answer concerning Things which are “ known to belong merely to their own Offices, “ and the *Ecclesiastical Court* —— concerning “ Causes merely Spiritual, for Instance, concerning “ Tithes and Oblations, the Bounds of Parishes “ and the like, which can in no wise appertain “ to the Secular Jurisdiction —— We do by “ Authority of this present Council decree, that “ Archbishops, Bishops, and other Prelates, be “ ing cited in such kind of Spiritual Matters, “ may

* Cum s^æpe contingat Archiepiscopos, Episcopos, et alios praelatos inferiores per Literas Domini Regis ad S^æculare Judicium evocari, ut ibi respondeant super his quae merè ad ipsorum Officia & forum Ecclesiasticum pertinere noscuntur — de Causis merè Spiritualibus, ut puta, de Decimis, & Oblationibus, Limitibus parochiarum & similibus, quae non possunt ad S^æculare forum aliquatenus pertinere — Statuimus Auctoritate praesentis Concilii, quod Archiepiscopi, Episcopi, & cæteri praelati non veniant pro hujusmodi Spiritualibus evocati, cum judicandi Christos Domini nulla sit Laicis attributa potestas, apud quos Necessitas manet obsequendi. — See the Constitution of Boniface Archbis^{hop} of Canterbury, Anno 1260, intituled, A^{eternæ} Sanctio Voluntatis, &c.

" may not appear, seeing there is no Power of
 " judging the Anointed of the Lord committed
 " unto Laymen, whose incumbent Duty 'tis to
 " obey." —

Here we may also observe that Tithes are reckon'd among Causes *purely Spiritual*, in which the Temporal Courts ought not to intermeddle; and as such, we apprehend, the *Ecclesiastical* Courts to this Day assume the Cognizance of them. Our present Clergy seem divided in their Sentiments concerning them; some, as Matters *Spiritual*, and of *Ecclesiastical Right*, merely appertaining to their ministerial Function, still apply to the *Spiritual Courts* for the Recovery of them by Church Censure and Excommunications; whilst others sue for them in the King's Courts, as Matters of *legal Property* and of *Temporal Right*; tho' the Acts, by which they sue, recognize them as due to God and Holy Church.* Thus they seem bewildred in the Ambiguity of their Claim, and know not where to fix it: The Transmutation of Matters *purely Spiritual* into mere *Temporal Right* and *Property*, being, even by themselves, not perfectly understood.

The next Thing objected to by the *Examiner*, pag. 55, is our saying, that "the Title is not in Dispute, unless a Party concern'd call it in Question." This he calls, "a mere Quibble," tho' himself in the same Paragraph subscribes to the Truth of it, saying, "the Title is not indeed judicially disputed, unless a Party call it in Question." Now 'tis certain that no other than a *Judicial Dispute* can prevent the Justices

* By which was originally meant the Church of Rome.

Determination; wherefore all the *Examiner's* Talk of the Title being in Dispute, and his urging that in Excuse of the Clergyman's Non-application to the Justices, amounts to just Nothing. The *Quaker's* disputing his Right to *Title's in general* can be no Reason for his Non-application to recover them by a Method which nothing but a *particular Judicial* Dispute can prevent. A *private* Dispute is *no* Dispute in Cases wherein only a *publick judicial* Dispute can operate. The *Examiner's* Pretence, pag. 56, that, "the Clearness or Difficulty that attends this Title, must be consider'd before the Method of Proceeding is resolv'd on; for it is afterwards too late," is but a meer *Evasion*; for nothing but the Recovery of his Claim by the Justices can preclude him from having Recourse to other Measures. If then the Clergyman be not conscious of the Injustice of his Claim, he can have no Reason to consider it as attended with any Difficulty, until such Difficulty be judicially objected: And where 'tis not so objected, nothing but his own Choice of more rigorous and expensive Courses can prevent his Recovering his legal Claim by the easier Method provided.

The *Examiner's* next Pretence, pag. 56, is, that "The Remedy at Law, if it be more expensive, is frequently more *easy* to the Clergyman than the other, he may—transact the Whole without stirring from home." This indeed shews, that the Parson, if so disposed, may both ruin his Neighbour, and prejudice his own Family, by a tedious and expensive Law-Suit, without going out of Doors: But 'tis far from

from shewing either the Justice or Charity of so sacrificing them to his Indolence. But all this seems to us purely evasive, and we apprehend that he may, if he pleases, transact the whole Affair before the Justices without stirring from Home: He may employ "another" Person "to ease himself," which Person needs be no Lawyer, nor any other than his Servant in this Affair, whose Time and Trouble may be more than recompensed by what the Justices can allow. His Pretence, that by one of those Acts ("if distinct) the Justices can allow him "nothing" is a Construction, we presume, they never made. But supposing the Parson himself should in such a Case take a short Journey, for 'tis seldom a long One to the next Justices, what Reason has he to expect a "Recompence" "for his own Trouble and Loss of Time," whose whole Trouble and Time the Law hath already paid him for by a settled Maintenance from his Parishioners, to whose Benefit and Instruction his Time and Trouble is supposed to be wholly due. So that the Loss, if any, must be theirs, not his, which yet perhaps they will hardly perceive to be any, unless he shall chuse to go to the Justices in Sermon-time. The Hardship he talks of in the Case of two Maid-Servants cited into the Ecclesiastical Court, was never by us term'd *ruinous* and *destructive* from the Length of their Journey thither, (which yet was much longer than is common for that of a Clergyman to the next Justices) but from the Nature of the Proceeding, which, had they not appeared, tended to their *Excommunication*, and *Imprisonment*,

ment, Things which have too often proved ruinous and destructive.

From what hath been said, we presume, it will sufficiently appear, that the Method of Recovery by Justices Warrant is *one, uniform, short* and *easy* Method.

The Examiner's next Objection is, pag. 57, that it "is not certain." But wherein doth his Pretence of its Uncertainty consist? He assigns two Points, *viz.* 1st. "That the District of the Justices is too narrow;" and 2d, that "their Power is too short:" But we think he makes good neither of them; for, with Regard to the "District of the Justices" he says, "the first Act directs that the Justice of the Division, where the Tithes shall grow due, shall summon the Party complain'd of." Tho' the Words of the Act do not so restrict it, but extend to the Justices of the County; the Words of it are "two or more of his Majesty's Justices of Peace within that County, Riding, City, Town Corporate or Division, where the same shall become due." So that he misrepresents the District of the Justices as much narrower than it really is. He supposes, pag. 58, a Possibility of the Quakers removing, "if, says he, the Quaker remove his Effects before Judgment, the Acts do not extend to it: Thus, if there were no other Method the Clergyman must be defeated." This is like the rest of the Examiner's Reasoning, who can draw *Quidlibet e Quolibet*, what he pleases out of what he lists, and from a mere Possibility can infer an *absolute Necessity*: But, wen in case of the Quaker's Removal, there is no such

such Danger as he suggests, for the *Quaker*, wherever he dwells, is still within the Reach of the latter Act, which limits not the Power of the Justices to the Place where the Tithe became due, and consequently the Clergy are in no Danger of being defrauded by any such Means. The *Examiner* however supplies his Defect of Proof by a boundless Assertion, that “ there are *innumerable* other Ways of defrauding the Clergy, “ whilst confin'd to these Acts : ” This Assertion, extending infinitely beyond the utmost Reach of Proof, he leaves to its own Strength and Sufficiency, without producing so much as one single Instance in its Favour. But he gives us a Reason for that Omission, viz. “ not out of Apprehension of teaching the *Quaker* what he does not know, but lest others who have as little, or as extensive a Conscience, should thereby have as much Knowledge.” This discovers his Apprehension that Conscience in general, as well as of the *Quakers* in particular, would scruple his Pay ; which certainly is no Recommendation of its *Equity* ; but shews, that even with Respect to his own Hearers, he dares not commend his *Maintenance*, as the Apostles did their Ministry, * *to every Man's Conscience in the Sight of God* ; and indeed he hath sufficient Reason to restrain him from so doing, since by his pleading for *Tithes*, the Fruits of *Popish Craft* and *Superstition*, he is effectually prohibited from saying with them, that he hath renounced the *hidden Things of Dishonesty, not walking in Craftiness*,

* 2 Cor. iv. 2.

Craftiness, nor handling the Word of God deceitfully. No Wonder that he despairs of convincing the *Quakers* of the Justice of a Claim, which, as himself believes, the *Conscience* even of his own *Hearers* uncompell'd would also dictate to them the Refusal of. The *Examiner's* Interest may well instruct him to be cautious of communicating to his *Hearers* the Knowledge of avoiding Payments which their *Consciences* persuade them to be unjust; for in such a Case he seems sensible that their *Ignorance* is his best Security.

We now come to the other Point of his Objection, *viz.* that "the Power of the Justices is "too short," which he thus expresses, pag. 58, *viz.* "but the greatest Uncertainty arises from "their Defect of Power, in compelling the *Quaker* to answer upon his Affirmation; or to "summon and oblige unwilling Witnesses to appear." Upon this Point the *Examiner* lays no small Stress: "This Objection, says he, can "not too often be insisted on, till it receive an "Answer," But this Objection hath been already answered, and therefore ought not in Reason to be insisted on again until that Answer be replied to. 'Twas insisted on long ago by the Clergy of the Diocese of *London*, in certain Observations by them published in a Paper call'd the *Weekly Miscellany* of March 17th 1737. And an *Answer* thereto was published in the *Whitehall Evening Post* of the 1st of April 1738. Part of which Answer we shall thence transcribe, *viz.* "the Words of the Act, (*viz.* that it shall "and may be lawful to and for the two next Justices of the Peace——to convene before them the

the Quaker or Quakers neglecting or refusing
 to pay or compound for the Same; and ex-
 amine upon Oath, which Oath the Justices
 are hereby impowered to administer, or in
 such Manner as by this Act is provided, the
 Truth and Justice of the said Complaint, and
 to ascertain and state what is due and payable
 by such Quaker or Quakers to the Party or
 Parties complaining,") are so plain and full
 as to evince the Mistake of the Clergy in assert-
 ing, that they have no Right to the Oath or
 Affirmation of the Party before the Justices;
 but, says the *Observer*, "he, the Remarker,
 should have added to make his Argument
 good, that they are likewise required so to do,
 which the Act does not say, and the Justices
 may not think." Nor is it reasonable they
 should: The *Act* supposes the Justices capable
 of discerning what Evidence is sufficient to deter-
 mine their own Judgment: If the *Quaker* ap-
 pears, they are the proper Judges whether it be
 necessary so to examine him or not. But here
 the *Observer* starts a Difficulty, "If the *Quaker*
 will not appear or will not answer," but partly
 solves it himself by acknowledging, that "in-
 deed, in Cases where the Vicar can make
 Proof of the Number and Quantity of the
 Things taken away, the Justices may estimate
 the Value and proceed to Distress, notwith-
 standing such Non-appearance and Contempt
 on the Part of the *Quaker*." What he here
 says of *Things taken away*, is true of *Things not*
taken away, viz. the Farmer's visible Stock of
 Things titheable: The *Quantity* of his Fruit,

and the *Number* of his Pigs, Geese, &c. may be known, computed, and proved by Witnesses, and the Tithe of what is so proved, or the Value of it, the Justices may grant the Vicar: Or, in case of the *Quaker's* Non-appearance, they may take the Vicar's Complaint *pro confesso*, and proceed. What reasonable Man would desire more than to *ask* and *have*? Or in case of Dispute, to *prove* his *Claim* and *recover* it? Is not this the usual Method of ascertaining the Tithe? And can any Way be more plain and easy for the Vicar? But the *Observer*, to make shew of a Mystery, where none is, proceeds upon a Supposition of the Farmer's having robb'd the *Vicar*, and concealed or *taken away* his *small Tithes*; a Thing scarce practicable in any considerable Quantity: For how can he conceal the Tithe, without concealing also the Things titheable? which are generally of too publick a Nature to escape the Notice of other People. Is not the Recovery of his *known Claim* by a short and easy Method, far more agreeable to the *Character* of a *peaceable* and *good Natur'd Clergyman*, than the sacrificing, upon a *bare Surmise* of imaginary *Concealments*, his own and his Neighbour's *Quiet* by a vexatious Law-Suit, for the Recovery of he *knows not what*? This, we apprehend, is the *true State* of the *Case*; and that the *Hardship* is not on the Vicar, who is peculiarly favoured with an *easy Method* for Recovery of his *known Claim*; but on the poor *Quaker* or *Farmer*, who stands exposed and liable to unnecessary and ruinous Prosecutions at the Will of an *angry* and *contentious Priest*, not only for real Claims, which, were

he so disposed, he might recover without them; but also upon meer Surmise and Conjecture."

This shews, that though the Justices have not express Power by the *Act* to "compel the Quaker to answer," nor to "commit him if he refuses," yet that *Defect of Power* cannot produce "a Defect of Justice," because it is abundantly supplied by the Power they have, in *Default of Appearance*, to proceed to hear and determine the "Clergyman's Claim upon the Proofs, Evidences and Testimonies produced." The *Quaker's Non-appearance* is therefore at his own Peril, and the Hazard of the Justices granting against him whatsoever the Clergyman shall claim; which Claim may as probably be more, as less, than his legal Demand. If the *Quaker* appears, and objects to the Claim, he must either subject himself to the Examination of the Justices, or defend himself by producing Witnesses to contradict it; otherwise the Cause will go against him, and the Silence of himself, and the Absence of his Witnesses, will naturally be construed to his Disadvantage. Besides, where the Law empowers the Justices by Warrant to summon or convene Persons before them, it seems also naturally to imply a Power of enforcing Obedience to that Warrant; so that tho' the *Examiner* says pag. 61. that "there is not the least Degree of Power of Compulsion given them by the *Act*," yet, 'tis not improbable, that the very Nature of the *Act* may so necessarily inferr some Degree of such a Power, as to make any express Mention of it unnecessary.

But supposing the Justices had an undoubted Power of committing the *Quaker* to Prison for Non-Appearance ; of what Advantage could that be to the Clergyman ? Such a Commitment must necessarily obstruct the Recovery of his Claim ; nor could it answer any other Purpose than that of oppressing his Neighbour without any Advantage to himself. Certainly, he that should sacrifice the Recovery of his known Claim to the Exercise of such unnecessary Rigour toward his Neighbour, would not only merit the Loss he sustains thereby, but must justly incur the Imputation of being *dishonourably severe*.

The *Examiner*, pag. 62, stumbles upon plain Ground, and states a Doubt in a Case most evident. " It may, says he, still be a Doubt whether if the Sum demanded be under 40*s.* the Justices can proceed against the *Quaker* upon the Affirmation Act." He may, if he pleases, indulge his Humour of Cavilling, where he has nothing material to say, by doubting whether a Sum under 40*s.* be under 10*l.* for the Affirmation Act manifestly includes every Sum that is so, and consequently by *resolving* his Doubt in the Affirmative, shews the Weakness of the Cavil he would raise about it.

The *Examiner* denies not, that the Clergyman may recover before the Justices whatever he can prove to be his Due, but the Grievance he complains of is, pag. 59, that in case of a Dispute " he can have no more than he is able to prove." And he may be in Danger of losing he knows not what, nor can know without a Power " of compelling Witnesses ;" for, says he, pag. 63, " the

" the Quantity and Value of them, especially
 " Vicarial Tithes, none can be presumed to
 " know, but those who are most conversant with
 " the Detainers, or are employed by them in
 " their Affairs." This pretended Ignorance of
 the Quantity and Value of Vicarial Tithes can no
 more affect the Tithe of the *Quakers* than of
 others of the Parishioners: What therefore the
Examiner says, that " unless the Clergy will
 " lose their Property, they must necessarily have
 " Recourse to the Courts of Justice for Relief,"
 would, if true, make it equally necessary for the
 Clergyman to be perpetually at Law with every
 Inhabitant of his Parish, (for the *Examiner* sup-
 poses, pag. 49, that he may have an unsettled Ac-
 count with every one of them) and to cite all Per-
 sons employed in their Affairs into the * *Exche-
 quer*, that he may know the Extent of his Claim.
 'Tis evident, that his Pretence of Necessity is not
 real, because he doth find Means, without Re-
 course to the Courts of Justice, generally to fix
 his Claim, and to receive it from the rest of his
 Parishioners; and he might, no doubt, with as
 much Ease fix his Claim upon the *Quaker*, and
 recover it by Warrant from the Justices; for the
Examiner cannot reasonably suppose, that the
 Justices will be so unfavourable to the Clergy-
 man, as to refuse to grant him from the *Qua-
 ker* as much as he usually receives from others
 in the like Circumstances. If " Union of Prin-
 ciple"

* Where to fix a Claim of a few Skillings he may per-
 haps put himself and his Neighbour to the Expence of an
 hundred Pounds.

" ciple" and being " of the same Persuasion," (which the *Examiner* supposes of so great Weight in the Case of Witnesses) have any Influence, it must necessarily be in the Clergyman's Favour, with Regard to the Justices, who cannot be otherwise than of his Church. Wherefore the *Examiner*'s Pretence of a " Defect of Power in the Justices" to grant what the Clergyman would not apply to them to obtain, appears to be no other than a meer Artifice, to cover his Recourse to Methods of more Severity, from the deserved Imputation of Malice and Ill-Will, by ascribing to Necessity, that which really was the Effect of deliberate Choice and Design.

The *Examiner*, pag. 64, amuses his Reader with a Pretence that " they (the Quakers) are very ready, where they imagine that there is the least Defect either in Power, or Form, to fly to those Courts of Justice from which they would exclude the Clergy." Of this he produces what he calls a notorious Instance, taken from a late *Examination* published on Behalf of the Clergy of the Diocese of Carlisle : That the Reader may have a right Understanding of this pretended Instance, we shall transcribe the Passage it self from the said *Examination*, and an Answer thereto made in a late *Vindication* printed in 1741.

The Passage in the said *Examination* is thus,

" In the Year 1719, or 1720, the Farmer of the Rectory Improperiate of *Holm-Cultrum*, having at a great Expence got Warrants, &c. settled by Council at *London*, proceeded against a Number of *Quakers* living in that Parish, before

“ before two Justices ; nineteen of them appealed from the Judgments given by the Justices to the Quarter-Sessions, where the Judgments being confirmed, one *John Saul*, (as was generally understood, at the joyn Expence of the whole Number) brought his Action against the Church-wardens, for levying the Sums directed, by Order of Sessions to be levied. This Action was tried at *Carlisle* at the next Assize, before Mr. Justice *Price*, but a Matter in Law started by the Plaintiff’s Council, was reserved and stated by Council ; which being argued in *May 1722*, and determined in Favour of the Defendants, the rest of the *Quakers* submitted. The Year following, they paid their Tithes without being summoned before the Justices, and though they have not since done that, they and the *Quakers* in general, have, without giving much Trouble, submitted to the Judgments of two Justices.”

The Answer thereto was as follows,

“ This Proceeding, if true, seems very extraordinary : The getting Warrants settled by Council at *London*, shews the Cases to have been so intricate, that the particular Justices applied to knew not how to proceed, and consequently that there might be reasonable Cause of appealing to the Quarter-Sessions. The Judgments being there confirmed, were submitted to by the *Quakers*, except that one *Man* out of Nineteen, whose Case was attended with a dubious Matter in *Law*, disputed it with the Church-wardens : This Act of one of them, the *Examiner* would impute to all the rest, and therefore says, “ at the joyn Expence

" Expence of the whole Number," but knowing that this might need a *Salvo*, he adds; " as was generally understood." Again, he pretends, " that *John Saul* brought his Action against the Church-wardens for levying the Sums directed by Order of Sessions to be levied." Though 'tis not probable that the Action was for any more than the single Sum levied upon himself. Again, the *Examiner* says, " that the Cause being determined in Favour of the Defendant, the rest of the *Quakers* submitted," though it doth not appear that the rest of the *Quakers* had any concern in the Affair, but had quietly submitted to the levying the Sums directed by Order of Sessions, before *John Saul's* particular Contest with the Church-wardens was begun. But the *Examiner*, under a mere feigned Pretence of the rest of the *Quakers* submitting upon the Issue of this Suit, ushers in a downright Falshood in Fact, *viz.* " that the Year following they paid their Tithes without being summoned before the Justices." This is positively denied by them, and the Assertor is put upon the Proof of it. He adds, " and tho' they have not since done that, they, and the *Quakers* in general have, without giving much Trouble, submitted, in most Instances, to the Judgments of two Justices." And, no doubt, but they would have done so in every Instance, had the Judgment of the two Justices been legal and moderate; for 'tis not easy to conceive that the *Quakers* could have any Interest in the chargeable Method of appealing to the Quarter-Sessions, if they had not been oppressed." So that the *Examiner's* notorious

" notorious Instance" amounts to no more than this, that in the Cases of *nineteen Quakers* being oppressed by a Judgment of the Justices, *eighteen* of them quietly submitted, and only *one* attempted to obtain Relief. So that the *Examiner*, even upon the Instance himself produces, proves the peaceable Disposition of the *Quakers*, by no less odds, than of *eighteen to one*, against his Assertion of their being " ready to fly to the Courts " of Justice." We apprehend what hath been said sufficient to shew the Weakness of the *Examiner's* Objections to the Method provided by those Acts, and to justify our calling it, *one, uniform, short, easy, and certain* Method of Recovery. The *Examiner's* Imagination, pag. 65, that his " pointing out the Defects" of that *Method*, " may possibly encourage others to give an Op- " position to it," is but a groundless Surmise, arising from Self-Conceit, and an Incapacity of discerning his own Weakness; which he farther discovers, when only from a desired Restriction of the Clergy from unnecessary Severities toward the *Quakers*, he unreasonably infers a Danger, pag. 65, that " the Power of securing their Prop- " perty is to be taken away, and their legal Esta- " blishment at an end." And pag. 66, that the " Establishment of the Church of *England*" itself is in Danger to be " destroy'd;" as if the very Being both of Church and Clergy had its Dependence on the Power of exercising Rigour, and could not subsist without it. This *Power* he makes necessary to the Clergies " defending " themselves," a Term under which he would palliate the severest Prosecution for Conscience,

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when opposing their Pay ; upon which he has the Assurance to place the Security of the Nation in general, when speaking of the Clergy he says, " that by defending themselves, they only guard " the Out-Works which secure the Rights of the " Crown, the Honours of the Nobility, and the " Liberties of the Subject." Thus does he represent the Safety of the King, Lords and Commons, as dependent upon the Clergies Interest. His Weakness in making this Representation may have its Service, in shewing, not how things are, but how the Ambition of aspiring and persecuting Clergymen could wish they were : But let the *Examiner* surmise what he lists, other Men may nevertheless think, that 'tis not possible for the most universal Exercise of *Clemency, Moderation, and good Nature* in the Clergy toward the *Quakers*, in the Recovery of their Claims, to be in any wise prejudicial to the Security of the Establishment either in Church or State.

His Talk, pag, 67, of the *Quakers* " assuming " a Character superior to the Law, and contemning the Authority of the Courts of Justice," is fully replied to in pag. 69, 70, 71, foregoing. The Expence and Charge occasioned by unnecessary Law Suits, ought of Right to fall on the Person who unnecessarily brought those Suits, and who, " had he been desirous of obtaining his Demand without a Suit," was in the Possession of a *Method* of so doing.

The *Examiner*, pag. 68, mentions " the Punishment Invaders of Property undergo," and that " in Cafes relating to the Crown Revenue, the Laws have been forced to add severer Punishments

" nishments than treble Damages." But this doth not in the least affect the Quakers, who neither invade any Man's Property, nor lessen the Crown's Revenue. In the Case of Tithes they esteem themselves the Persons whose Property is invaded ; wherefore " the making ruinous Seizures upon them for treble Damages," only for retaining their own Property, may reasonably appear shocking.

In pag. 69, the *Examiner* cavils at our " censoring the Practice of prosecuting one for an Example to others, as common, though unchristian and inhuman," but takes no Notice of the real Cause of those Prosecutions upon which that Censure is grounded. We are not ignorant, that the Mosaick Law obliged Thieves to restore fourfold, and that penal Statutes have been made for the Terror of Evil-Doers. But this is altogether foreign to the Purpose. Let the *Examiner* keep close to the Point, and it will be incumbent upon him to shew, that the Practice of inflicting Penalties upon Men for the Exercise of their Conscience in Matters relating to the Christian Religion, is " consistent with the Character of a Clergyman, a Christian, and an Englishman." Without this he does nothing but evade the Point in Controversy. For, the Quakers are persuaded in Conscience that the Payment of Tithes is forbidden by the Christian Religion : The Writer of the *Examination* on Behalf of the Diocese of London was for making them, in this Case, an Example to others for obstinate withholding them. Whereupon in their *Vindication*,

cation, they observed, * that " a false Notion of
 " Justice in making Men Examples to others for
 " their *Obstinacy* about Religion, has been a
 " great Engine of Ecclesiastical Tyranny in all
 " Ages : An infallible Trap to catch the poor
 " Saints in ; for when no *Crime* could be laid to
 " their Charge, *Innocence* itself has been made
 " One, under the Imputation of OBSTINACY.
 " This cast *Daniel* to the Lyons ; and the Three
 " Children into the Fiery Furnace ; this put
 " the Primitive Christians to Death : " I have
 " used (says PLINY in his Letter to TRAJAN the
 " Emperor) this Method with such as have been
 " brought before me as CHRISTIANS : I first de-
 " manded of them whether they were Christians ?
 " Upon Confession, I repeated the same Question,
 " threatening Punishment, and if they persisted I
 " commanded them to be executed : For I did not
 " at all doubt, but that, whatever their Profession
 " was, their Stubbornness and inflexible OBSTINACY
 " ought to be punished. This he did to make them
 " an EXAMPLE to others. This Imputation of
 " OBSTINACY led our Protestant Martyrs to the
 " Stake. And 'tis under this Imputation of OB-
 " STINACY, that Ecclesiastical Censures and Ex-
 " communications are, even to this Day, some-
 " times denounced against Men not guilty of
 " the Breach of one Gospel Precept."

The Examiner's great Defect is, that he doth not shew the Christianity of paying Tithes, nor their Consistency with the Doctrine of the Gospel ; but,

* *Vindication against the Clergy of London*, pag.
 13, 14.

but, for any thing he has advanced to the contrary, the Quakers *Refusal* of paying them may be perfectly *Christian*: And if so, all the *Examiner's Observations* about *Penal Statutes*, and *Punishments* inflicted in Cases of *Invasion of Property*, *defrauding the Crown*, and other like *Offences*, when stript of the *Supplemental Aid* of scandalous *Insinuations*, and abusive *Reflections* upon the *Quakers*, will be “ found” either “ to have “ no Meaning,” or such as is altogether foreign to the Matter in Controversy.

He mistakes in saying, “ This (the Clergies) “ *Property* (*viz.* in *Tithes*) is in its own Nature “ at least equal to the rest of the Subjects :” because their Foundation is different. The *Property* of the rest of the Subjects is founded on *Equity*; that of the *Clergy* only on *Law*: Had not the *Law* swerv'd from its Office in *guarding* other Men's *Property*, the *Clergy* would never have had a pretence to any in *Tithes*.

The *Examiner* goes on, pag. 70, 71, 72, in such a manner as if the whole Maintenance of the *Clergy* depended upon the Exercise of Severity toward the *Quakers*; for the desired Restriction had Relation to them only. In Regard to the *Tithes* recoverable from their own Hearers, and all others, except the *Quakers*, there was no Attempt made to alter any thing: Both the *Old Foundations*, and the *Additional Fences*, which secure their *Tithes* to them, were to have remained untouched; and as to the *Quakers*, the Exercise of Old Severities was made altogether needless by the peculiar Favour of a concise and easy Method of Recovery: And yet the *Examiner* has

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the weak Assurance to talk, as if the *Laws*
 " which had stood the Test of Ages were going
 " to be taken away," the Clergy, " by a Ge-
 " neral Outlawry, to be put out of the King's
 " Protection," and as if " their ALL was at
 " Stake." A terrible Outcry! But for what? For
 the Power of oppressing those from whom they
 may recover their Claims with Ease : A Power,
 which they pretend a Necessity of retaining, for
 the sake of making the conscientious With-holder
 of Tithes " an Example to others," that
 they, seeing the *Quaker* ruined by such a Prosecu-
 tion, may be terrified from contesting the Clerg-
 iies Demands : But neither this *Examiner*, nor
 any other Writer on the Clergies Part, hath yet
 shewn us what we ask'd for in the Beginning of
 the present Controversy, *viz.* * " Where is the
 " Christianity, or even Humanity, of sacrificing a
 " Man, his Estate, or Liberty, with such a dread-
 " ful Design?" The *Quakers* Request to the Le-
 gislature was in effect, that they might be secured
 from the Power of being so sacrificed. The
 Clergy exerted themselves with a remarkable Ve-
 hemence and Zeal to oppose that Request; but
 though 'tis generally known, with what an un-
 common Concern they laboured to retain the
 Power of Oppressing, yet the *Examiner* seems
 uneasy, that " for this only they are stiled Ad-
 " vocates for Oppression." But who can help
 it !

The

* *Vindication in Answer to the London Clergy,*
 pag. 14.

The *Examiner*, pag. 73, observes, that "One, " who whilst the Bill was depending, espoused " their Cause, who tho' he declares he has no " Acquaintance among them (let those who can " believe it) mentions 1153 Prosecutions without " the least Imputation upon any but the Clergy, " and thereupon breaks out into a Rant, " *The* " *utmost Force of Imagination cannot paint an* " ***Hell*** *more terrible to our Fears, than what* " *the Cruelty of the Clergy daily sets before our* " *Eyes.*" For this he cites the Answer to the *Country Parson's Plea*, pag. 80, but what is this to the *Quakers*? The *Examiner* himself acknowledges, that "They did not lay the Whole " to the Charge of the Clergy." The Imputation then is none of theirs. The Writer of that Answer, who calls himself a Member of the House of Commons, was probably of the *Examiner's* own Church, and the *Quakers* (who certainly know that they had as little Acquaintance with him as he declares he had among them) are in no wise answerable either for his *Imputations* or his *Sarcasms*. At the Latter of these the *Examiner* seems to imitate him, when he calls him "this Wretch, whose Weakness and " Scurrility had rendred him beneath Notice, who " like an Insect had struck his Sting against, " what it could not wound, and died." Thus the *Examiner* stings a dead Man; a Thing which perhaps no Insect would do. The *Examiner's* Insinuation, as to the Cause of his Death, seems Uncharitable, and may probably be unjust: Let the *Examiner*, if living, but consider, what a Quantity of Poysen himself has emitted against

against the *Quakers* in several Pages of his Pamphlet ; and his own being yet alive may serve for a Confutation of his Remark, and may effectually convince him, that a fruitless Discharge of Venom does not always issue in present Death. However we cannot but observe, that the *Examiner* on this Occasion expresses as much Uneasiness as if the Sting of an Insect had really wounded him. But, be that as it will, 'twas the Clergies own Conduct which at that Time brought upon them the Imputation of all those Prosecutions which no Body else appear'd to defend. This Imputation had still remained on them, had not the Justice of the *Quakers* taken off a great Part of the Blame they had laid themselves under ; for, by publishing the *Brief Account*, they placed each particular Prosecution at the Door of its own Author, and discharged the Clergy from every Fact which did not in the strictest Sense entirely belong to them. Had the *Examiner* been a generous Adversary, he must have acknowledged the candid and ingenuous Dealing of the *Quakers* in this Respect ; but he appears both ungenerous and unjust, in ascribing to the *Quakers* the *sarcastick Expressions* of a Person, probably a Member of his own Church, in which they had not the least Concern. Their producing Quotations from that Writer, and their Approbation of his Reasoning, in what they so produced, doth not make them Responsible either for his *Language* or *Sentiments* in any other Part of his Writing. Nor does the *Examiner's* Anger at an *Expression* of that Author which we did not cite, in the least tend to demonstrate

monstrate the Weakness of his Reasoning in what we did cite. Such evasive Subterfuges only discover a Deficiency of Matter for a solid Reply.

His Cavils, pag. 74, at the *Brief Account*, are scarce worth regarding. The Matters of Fact in that Account are so clear and plain, that the most subtil and evasive Attempts to confute it have hitherto prov'd ineffectual: And the present *Examiner* of only seven Cases therein appears so diffident of his Success, as that he dares not submit his Scrutiny of them to the Perusers of it, without previously attempting to byass their Judgments with no less than eighty eight Pages of perverse and abusive Misrepresentations.

He busies himself, pag. 75, in making a silly Distinction betwixt *Memoirs* and *Records*, which are but *two* Names for *one* Thing; and exposes his Weakness (pag 76) by talking of the “*legis-lative Power*” of keeping *Memorandums*.

The Credit of our *Records* is with us undoubted, and the Comparison the Clergy have hitherto made of them with those of the Courts of Law, have generally tended to confirm the Truth of them. The *Examiner's* saying, that “these Records are kept with the greatest Privacy, not permitted to be seen by any but the Friends, and by few of those,” is not true, because not one of the Friends is excluded from seeing them, nor do we know that any Person, upon reasonable Application, and just Cause assigned, was ever denied the Liberty of inspecting them: So that the *Examiner's* Notion of their “*Concealment*” being but *imaginary*, his “*Suspicion*” of their “*Falshood*” arising from thence,

is groundless. Whatever the *Examiner* is "in-
" clin'd to think," who seldom fails to think
amiss of the *Quakers*, they have nothing to fear
from the Inspection of their Records by the
Members of Parliament, or any Body else, be-
cause the *Evidence of Truth* they carry, is so
plain and undisguised, that they cannot fail of
being *least suspected* by those who *most inspect*
them.

The Truth of the *Brief Account* has reduced
the *Examiners* of it to the hard Necessity of rais-
ing feigned Pretences of Falshood from such tri-
vial Mistakes, as the transcribing and printing
a Variety of Papers are more or less unavoid-
ably incident to. Another miserable Shift they
have been reduced to is, that of Applying such a
Mistake in some particular Fact, to a Multitude
of other Facts, entirely distinct and independent,
and which have no Manner of Relation thereto.
The Recourse to such Methods of Defence is an
assured Symptom of a distressed Cause. But in
Defence of their drawing *general Conclusions* from
particular Premises, this *Examiner* says, pag. 77,
" If a Witness be proved false in one Part of his
" Evidence, tho' possibly he may not be detect-
" ed in other Parts, would the Persons produ-
" cing him be allowed to insist, that what he
" deposes, are distinct and independent Facts,
" and his Mistake (for by that Term they might
" be apt to palliate his Falshood) is not appli-
" cable to all the Rest? Undoubtedly they
" would not." This undoubted Resolution of
his is drawn from a false State of the Case:
For the *Facts* in the *Brief Account* are not only
distinct

distinct from, and independent of, one another, but the Narrative of each Fact was received from a distinct and separate Person: And certainly the Mistake of one Person in his Relation of one particular Fact, cannot with any Colour of Reason or Justice, be presumed to detract from the Credit of other Persons in their several and distinct Relations of other distinct and separate Facts, such as those in the *Brief Account* are.

The Examiner proceeds, and says, " Nay farther, if it shall appear that those, who produce the Evidence, have been tampering with, and preparing it, either to conceal Part of the Truth, or by Ambiguous Words to disguise it, the proving this will bring a Discredit upon any other Evidence which they may bring to support such separate and distinct Facts."

We shall endeavour to demonstrate, that he has not prov'd any such Matter as he suggests, and that the Instances he produces are insufficient for such a Purpose.

The first Instance he produces is that of a Clergyman's having been charg'd with " profaning a Quaker at Law for a Matter recoverable by the 7th and 8th of King William III. and it is proved that the Person they name was not prosecuted at all."

The Insufficiency and Fallacy of this Instance we have demonstrated in our *Vindication* written in Answer to the *Examination in Defence of the Clergy of the Diocese of York*. See the said *Vindication* from pag. 139 to pag. 150.

His next Pretence is of “ too many Instances
“ where the Prosecution was begun before those
“ *Acts* were in being.”

To this the Reader will find an Answer in pag. 46, and 47, of the aforesaid *Vindication*. And in pag. 56, 57, of the same; where the Insufficiency of those two Instances, which he deceitfully calls *too many*, is fully shewn.

We now come to an Instance of his own producing, pag. 78, where he says, “ So likewise in tampering with and preparing their Evidence ; to mention an Instance among many, when *Amos Bickham* is said to have been prosecuted in the Ecclesiastical Court, at the Suit of *John Swain* Clerk ; and this is brought as an Instance of a Prosecution there for a Matter recoverable by the aforesaid Statutes, if upon Examination it shall appear that *Swain* was only a Parish-Clerk, and sued there for his Wages as such, and that he had no Remedy by either of those Statutes. Is not here a gross Prevarication, by the Ambiguity of the Word *Clerk*, joined with the Falsity, that it was for Dues recoverable by those *Acts*? As this Evidence has been thus prepared and instructed by them, what Credit can be given to it, when applied to different and distinct Facts ?”

Upon this Instance the *Examiner* notably exerts himself, and displays his Reading by quoting *Grotius*, to shew that “ Words are to be made Use of according to the Sense in which they may be understood by those to whom they are spoken,” *Puffendorff*, to define “ the Signification of the Word *Knave*;” and *Isercates*,

to show " that to use ambiguous Sayings in Judicial Contentions is scandalously base, and a very high Degree of Wickedness."

But what will the Reader think of this *Examiner*, if it shall appear that all this Charge of Prevarication, Ambiguity, and Wickednes, has no other Foundation than an Error of the Pres^s, in omitting the Word *Parish*; and that the *Examiner* in all Probability could not avoid seeing it to be so. For Proof of this, we refer to a *Collection* of Instances relating to Parish-Clerks taken by himself from the *Brief Account*, and inserted in his *Examination*, pag. 85, where he cites twelve several Cases containing the Prosecutions of twenty one Persons for Clerk's-Wages. In all which Cases himself admits the Parish-Clerk to be plainly describ'd as such. The Instance of *Amos Bickham* by him produced is the thirteenth Case of the same Nature. With what Colour of Reason can the *Examiner* suppose, and with what Face can he assert, that the Compilers of the *Brief Account* had a Design of imposing *Parish-Clerks* upon their Readers for *Parsons*, by the Ambiguity of the Word *Clerk*, when he plainly sees, that 'tis left ambiguous only in one Case of Thirteen, in every one of which they had an equal Opportunity of so leaving it?

This we think a clear and reasonable Proof, that the leaving it so in that one Instance was *accidental*, and not designed. But the Strength of Prejudice against the *Quakers*, has betray'd the *Examiner* into a most apparent Act of Injustice, in charging the *Quakers* as guilty of gross *Prevarication*, from the Printer's Omission of a single

single Word in one Instance, in Defiance of twelve plain and undeniable Proofs of their Innocence which himself had collected. He should have considered what the learned * *Author*, by himself last cited, says, *viz.* † “ Nothing is either “ honest or decent, which is not both spoken and “ done with Justice :” But ’tis the Unhappiness of those who entertain Prejudices against others about Religion, “ || by considering only the wrong “ Side of Things, to fortify their Prejudices to “ such a Degree, that the plainest and most con-“ vincing Truths shall not be able to have any “ Access to them, or make any Impression upon “ them.”

The *Examiner* is pleased to fill his next two or three Pages, *viz.* from pag. 79 to 82, in reciting and reflecting upon such Passages as suit his Purpose of a Controversy with *Thomas Philips*, Vicar of *Langbarne*, who prosecuted *Daniel Williams* for Tithes. The marginal Note on that Case in the *Brief Account*, pag. 179, begins thus, “ The *Vicar’s Demand* on *Daniel Williams* “ was about 1s. 6d. and his Son, not a *Quaker*, “ tended the Vicar five Shillings before any “ Prosecution began, bidding him take his Due “ for his Father’s Tithe ; but the Vicar refused “ it, and replied, *Daniel must suffer.*” The *Examiner*

* Isocrates in his Panathenais.

† Οὐδὲν γε ὅσιον, καὶ καλὸν ἐστι, τὸ μὴ μέτα συμαίοσύνης χρεγόμενον καὶ πρατήσμενον. See a Collection of Isocrates’s Orations and Epistles, with the Latin Version of Hieronymus Wolfius, printed at Geneva, 1651, pag. 536.

|| *Archbishop Tillotson’s Sermons in Octavo, Vol. 5.*
pag. 122. Edit. 1700.

aminer has only recited so much of the Vicar's Answer to this Passage, and of our Reply, as might serve his Design of misrepresenting it; wherefore we must supply his Defects. The Vicar in his *Examination* of this Case plainly acknowledged the *Tender* made, and did not deny the mentioned *Reply*, but denied that the Person who made the *Tender* was *Daniel Williams's Son*. In answer to this he was told, that " *Daniel Williams's Son* might send the Money tended either by his Wife or some other Person; and 'tis well known, that in such Cases, a Man is usually and in common Acceptation said to do a Thing, which he employs another to do for him." This appears to have been the real State of the Case, nor did the *Vicar* ever deny that the Person who made the *Tender* was sent by *Daniel Williams's Son*: But as to the Words (*Daniel must suffer*) the *Vicar* in his *Defence*, pag. 8, says, " I do declare, that I never used the Words they charge me with, to any Person whatsoever." But what induced him to make this negative Declaration? He tells us in the Page next foregoing, where he calls those Words " a very unkind Reply, and such an One, says he, as, I think indeed, I was not capable of making to any One." Upon which, in the Remarks upon his *Defence*, pag. 21, 'tis thus observed " This Plea is very extraordinary. The Man, who *actually made DANIEL suffer*, pleads, that his tender Disposition was incapable of an Expression so unkind as *DANIEL must suffer*: As if it were more unkind to say the Thing than to do it: Suppose it were doubtful, " which

" which we doubt not, whether he ever said,
 " DANIEL must suffer, will not his own Actions
 " determine the Point against him, when 'tis
 " apparent to every Body, that he forthwith pro-
 " ceeded to make DANIEL suffer ? Does the
 " Unkindness of saying DANIEL must suffer,
 " bear any Proportion to that of actually making
 " him suffer fifteen Months Imprisonment, and
 " the Sequestration of his Estate both real and
 " personal ?" The Matter stands at present
 thus ; The Vicar denies that he ever us'd those
 Words, DANIEL must suffer, to any Person
 whatsoever. We are credibly informed that the
 Person whom *Daniel Williams's* Son sent to tender
 the Money to the Vicar, and to whom he express'd
 those Words, is yet living, and ready, if requir-
 ed, to make Oath of his using that Expression.
 But as we esteem the present *Examiner* but an
 officious Intermedler in this Affair, we shall con-
 cern our selves no farther therein, till the *Vicar*
 himself shall declare his Desire to have it reaf-
 sum'd. In the mean Time, we shall only ob-
 serve, that the Case it self, (abstract from that
 Expression) was exceedingly grievous and op-
 pressive, and worthy the Cognizance of those to
 whom it was presented.

The *Examiner's* Observation, pag. 79, 80,
 that, " the Word *suffer* is rather a cant Word of
 " the *Quakers*, when applied to the Payment of
 " a just Debt, and not likely to have been used
 " by the Vicar ;" is not just : For the *Quakers*
 never apply that *Word* to the Payment of a just
 Debt, but to Prosecutions for unjust and unchristian
 Demands. And that *Word* which they use *seri-*
ously

ously, might very probably be scoffingly retorted upon them by the Vicar.

The Examiner's next Pretence is, that "the Specifications of Causes, Persons, Places, and Times, in the *Brief Account*, are insufficient to support the Credibility of our Case presented to the Parliament."

The Representation made in that Case was, "That there had been prosecuted in the Exchequer, Ecclesiastical, and other Courts, for Demands recoverable by the said *Acts*, (viz of the 7th and 8th of K. W. III.) above Eleven Hundred of that People, of whom near three Hundred were committed to Prison; and several of them died Prisoners.

"These Prosecutions, tho' frequently commenced for trivial Sums, from four Pence to five Shillings, and great Part of them for Sums not exceeding forty Shillings, have been attended with such heavy Costs, and rigorous Executions, that about eight hundred Pounds have been taken from Ten of them, where the original Demand did not amount to fifteen Pounds."

The Clergy opposed this Representation as a Thing scarce credible, a bare Surmise of the Quakers, and requiring a Specification of Facts to support it."

The Specifications exhibited in the *Brief Account* do, we think, effectually support it in every Particular, by shewing,

- I. That 1180 Persons have been prosecuted.
- II. That 302 of them were committed to Prison.
- III. That

III. That 9 of them died Prisoners.

IV. That the Sums sued for were frequently from *four Pence* to *five Shillings*: That in * one Case, a poor Widow and her Son were imprisoned eleven Months on a Verdict for *one Penny* for Tithe-Wool. And that in † another Case two Persons were excommunicated and sent to Goal for a Demand of but *one Farthing* each, for a *Church-Rate*.

V. That a great Part of those Prosecutions were for Sums not exceeding *forty Shillings*.

VI. That heavy Costs and rigorous Executions have attended those Prosecutions, of which there are a great many Instances; in some of which the Proportion of the Sums levied to the Original Demand is greater than that of *eight hundred Pounds* for Demands of *Fifteen*.

The *Specifications* therefore are so far from being *defective*, that they demonstrate the Grievance complained of to be really greater than 'twas represented.

But the *Examiner* objects, pag. 83, that the Title-page of the *Brief Account*, calls them ALL Prosecutions for Demands "recoverable by those "Acts." Tho' the Word ALL is not in the Title-page: And the *Preface* to that *Account* supposes an *Objection*, "that in some of the Cases "the Yearly Demand was not recoverable by "those Acts:" An Objection of so little Weight, that a Clergyman, peaceably inclin'd, may, as diverse of them have done, easily get over it, by dividing his Claim into Parts separately so recoverable:

* *Brief Account* pag. 22. † *Ibid.* pag. 38.

verable : Yet to anticipate such an Objection, 'tis also observ'd, that " Care has been taken to distinguish those Cases by specifying the particular Sums :" A Distinction, which shews the Mistake of the *Examiner's* saying, " they have specified them, as *Demands recoverable* by those *Acts.*" 'Tis farther observed, that " such Cases being but few, the Surplusage of our Number will MORE THAN admit of their Deduction." A Surplusage so large, as to give the Clergy Room to exercise both that and other such Evasions as the Support of their Cause disposes them to use, without any diminishing the Number of Prosecutions which our Case at first represented.

" But, (says the *Examiner*, pag. 85,) these are not the only Deductions, unless they will surmise, that Demands not comprehended in either of the *Acts*, and for which the Justices can give no Remedy, were recoverable thereby : Of this Kind are Parish Clerks Dues, of which not a few Instances are given to swell up the *Brief Account.*" But in this he is mistaken, for the *Brief Account* needed no swelling up, the Number being sufficient tho' these Instances also had not been mentioned. We have a better Reason than that for mentioning them, viz. to evince the superlative Iniquity of the Ecclesiastical Courts, in worrying the King's Subjects, not only for *Demands* recoverable by those *Acts*, but even for *Claims* so illegal as not to be recoverable by any * Statute or Law of the Realm what-

* Tho' perhaps some old Popish Canons may favour such Claims.

soever. The *Examiner* appears to have exercised his utmost Industry, in collecting all the Instances he could meet with in the *Brief Account* of this Kind; and also a *Parcel* of others, wherein, as he says, "the *Brief Account* sets forth the Prosecution without telling what the Demand was for, or for what the Suit was brought." This Objection we have already answered in our *Remarks* on the Defence of the Diocese of *Lichfield* and *Coventry*; which Answer is as follows.

" I. 'Tis to be considered that the *Act* of the 7th and 8th of King *William* the 3d, for Recovery of Tithe from *Quakers*, limits no Time, so that the Tithe, within the limited Value, for any Number of Years, may be recovered thereby.

" II. That any Sum, or Sums whatsoever, not exceeding 10*l.* are recoverable thereby upon one Application to the Justices.

" III. That all manner of Tithe whatsoever, whose *Annual Value* does not exceed 10*l.* may be recovered thereby.

" IV. That 'tis in the *Option* of the *Claimant* to recover his Demand annually, if he thinks fit.

" V. That it very rarely happens that the Tithe of one Kind, in one Year, from one Person, amounts to so much as 10*l.*

" VI. That if it should happen to amount to more than that Sum, the *Claimant*, were he so disposed, might, by parting his Demand, easily make each Part recoverable by that *Act*.

" From these Premises duly considered, it will plainly appear, that it was in the Power

" of

" of the Clergy, or other Claimants, in every
 " Instance of Prosecution for Tithe, where the
 " Title was not in question, to have recovered
 " their Claim by Justices Warrants, had they
 " been desirous to use that Method. Wherefore
 " we were under no manner of Obligation to
 " mention, either *what* Tithes, or of *what Value*
 " they were, in a Collection of Cases,
 " wherein all the Demands for Tithes, of what
 " Kind or Value soever, might have been rec-
 " verable by the said *Act*, at the Option of the
 " Prosecutors."

Seeing then all Prosecutions of *Quakers* for Tithes had a Right to be inserted in our Account, we are under no Obligations to allow the *Examiner* the Liberty of deducting any of them. Nevertheless, should we so far condescend to his Weakness, as to indulge him in the Deduction of all those Cases which his fertile Fancy has enumerated ; there will still remain in the *Brief Account* a Number of Prosecutions sufficient to verify our Case presented to the Members of both Houses of Parliament, to whose Consideration it was humbly submitted. Who they are that have a " great Contempt for the Persons, and Under-
 " standing of other Men is too visible," by their attempting to impose upon them the *Popish* Superstition of Tithes, under a feigned Notion of *Divine Right* ; and when at length that Fiction was generally seen through, to delude them a-fresh with a specious Pretence of *Protestant Property*.

The *Examiner* farther objects, pag. 86,
 " They complain, that the Prosecutions were
 " severe

"severe, attended with excessive Costs and Charges, the Proceedings ruinous and destructive, that they were Grievances that required Redress, and apply this to the Cases in general." Tis certain that the Prosecutions in general were of one and the same Nature, and that all of them had a Tendency to produce the same ruinous Consequences of Sequestrations or Imprisonments, as too many of them did: If the ruinous Effects of some of them were prevented, by the Prosecutor's afterward declining to proceed, or by any other Means; the Nature of the Prosecution it self was not alter'd by those Means of preventing the End it evidently tended to: The Prosecutor's desisting from the unnecessary Measures by him taken, shews, that his more sedate and deliberate Judgment did disapprove of the Rashness and Severity of his own Choice.

The Pretence of a "Defect of Power in the Justices" we have before shewn to be only "surmised" by the *Examiner*, to palliate the Prosecutor's determin'd Rejection of that Method; and the Pretence of "discovering and ascertaining the Quantity and Value of the Demand" has been frequently advanced for no other End, than to cover a malicious Prosecution in the *Exchequer*, or *Ecclesiastical Courts*, under the specious Veil of a feigned Necessity; while there has not been any Colour of "Pretence that the Quaker" refused to submit to the *Examination* of the Justices, "before the Suit was brought."

Seeing then the *Legislature* in this Case, by indulging the Clergy with a more easy Method of recovering their Claim, has rendred their Recourse

Recourse to severer Methods unnecessary, the Choice of those Methods is justly to be condemned as *Unchristian*. 'Tis a known Maxim in Law, that *Cessante ratione Legis, cessat Lex*; now, the Reason of those Laws in this Case is ceased, wherefore a Restriction from the Use of them in this Case is just.

The *Examiner's Query*, pag 87, "Can they " shew any Law which may not be *abused* on one " Side or the other," does not affect the Restriction in this Case proposed; which is not concerning a Point wherein the Law *may be abused*, but wherein the *Law* cannot be recurr'd to without Abuse. And in such Cases, an *unavoidable Abuse* of a Thing is a valid Objection against the Use of it.

Wherefore it may be very consistent with the Justice of the *Legislature* to restrain Men from the Exercise even of a Power otherwise legal, in Cases wherein it can't be exercis'd without Oppression.

'Tis their own needless Recourse to severer Methods, which is indeed "most injurious to " the Character of the Clergy;" and the *Examiner* is injurious to the *Quakers*, in attributing to their *just Censure*, that which was the real Consequence of the Clergie's *unjust Choice*. A Choice by which we charitably supposed them to " sacrifice their own *Quiet*," not apprehending them to be of such a Disposition, as to pursue "the Oppression and Ruin of their Neighbours" without some Uneasiness.

If, as the *Examiner* says, pag. 88, "the " *Quakers* venturing to descend to Particulars, and " to

" to lay before the Publick". their *Brief Account* of Prosecutions, " has greatly conduced to vindicate " the Characters of the Clergy ;" we envy them not the Advantages receiv'd therefrom. Tho' we think, that had that Account, in its own plain and undisguised Relation of Facts, been of *real Service* to the Clergy, the Abundance of *fly Craft* and *studied Fallacies*, which the several *Examiners* of it have exercised to pervert it, might have been spared.

The *Examiner's Irony*, that " the Meekness " of our Spirit has appear'd from our general " Writings," we apprehend, we have given no just Occasion for in this Controversy. We have endeavoured to discharge our selves towards the Clergy therein, by expressing *Truths* to them unacceptable, in a Manner not justly offensive. The *Examiner* however might have forborn to mention *Meekness of Spirit* in a Performance which abundantly discovers his own Want of it.

We have hitherto endeavoured to clear the *Quakers Christian Scruple of Conscience* from the gross *Abuses* of the *Examiner*, the *Acts* of the 7 & 8 of K. W. III. from his *Charge of Insufficiency*, and the *Brief Account*, with the *Defences* of it, from his *Misrepresentations*. We are next to consider his *Examination* of those few particular *Cases*, which he has thought so long a Preamble of general *Calumny* and *Disguise* necessary to introduce.

S E C T. III.

*The EXAMINER's Enquiry into the PARTICULAR
CASES considered.*

TH E *Examiner* is pleas'd pag. 89, 90, to make a nice Calculation of the Number of Parishes in the Dioceses of *Canterbury* and of *Rochester*, and in the Deanry of *Shoreham*, a peculiar Subject to the Archbishop of *Canterbury*; which Calculation issues in this, that "the Prosecutions by the Clergy were all in the Court of *Exchequer*, and out of 220 *Incumbents*, as the Number is computed to be in the Diocese of *Canterbury*, four only have sued there within forty Years, and One in the Deanry of *Shoreham*."

This verifies what we before observed in our Introduction, that "the Brief Account of Prosecutions, by the Fewness of the Cases in so many Years within that Diocese, did sufficiently justify the general Conduct of the Clergy there :" By which general Conduct they seem to shew their general Disapprobation of such Prosecutions ; which therefore, had not the *Examiner* undertaken to justify them, ought to have been regarded as the *Act* only of the particular Persons who so sued.

We are told, that "of these five Clergymen, " four had been dead many Years before the " Publication of the *Brief Account.*" And what of that? Are the Facts less true because those who did them were mortal? Certainly not. What else would the *Examiner* infer from their Death? That "they are all cruelly charged." A Cruelty which never existed but in his own Imagination; for, we can assure him, that the Compilers of the *Brief Account* knew not, but that they were all alive at the Time of its Publication. But what's the Charge he talks of? Only this, that " * Since the *Acts* made in the 7th " and 8th Years of the Reign of King *William* " the 3d, for the more easy Recovery of Tithes, " Church-Rates, &c. those that have made the " former expensive Ways of Proceeding their " Choice, seem to be left without Excuse, and " to act upon other, less justifiable, Motives, than " the mere Recovery of their pretended Dues." Which is but a general and natural Inference drawn from the very Nature of the Facts themselves. Wherefore, the " Veracity of the Charge," as he calls it, is so necessarily connected with the Truth of the *Facts*, that it cannot be avoided without disproving them: Which whether the *Examiner* has done or not, we are next to consider.

C A S E

* *Preface to the Brief Account, pag. 5.*

C A S E I.

BRIEF ACCOUNT, pag. 61, 62. [A] 1698.
 " JOHN LOVE the Younger of Canterbury
 " was prosecuted in the Exchequer for Tithes, at
 " the Suit of Humphry Brailsford, Parson of
 " the Parish called All-Saints in Canterbury.

To which this Note [A] is subjoined.

" John Love was a poor Man, and had a
 " Wife and four Children; the Demand for
 " Tithe was 2*l.* 12*s.* 0*d.* for about five Years,
 " (tho' his Rent was but 5*l.* per *Annum.*) He was
 " committed to Canterbury Goal on the 27th of
 " the Month called February 1698-9, and con-
 " tinued Prisoner about fourteen Months, after
 " which the Parson releas'd him."

This is the Case : What has the Examiner to object to it? He produces pag. 92, what he calls the *Answer* of the Reverend Mr. James Hensridge the present Incumbent, who owns, that " John Love was there confined in Goal for not " paying of Tithe," but adds, " The Demand " of which was very short of the Rent of the " House he lived in, it being *always* rented at " 8*l.* per *Annum.*" This *always* is not well sup- ported by the Incumbent's specifying, that " he " now receives 16 Shillings per *Annum*," which is scarce a valid Proof of what the present Rent is, much less of what the Rent *always* was: Doubtless the Incumbent at that Time, who in his *Exchequer-bill* fixes " the Rent at 5*l.* a

" Year," had as good Means of being rightly inform'd what *John Love's* Rent then was, as the present *Incumbent* can be suppos'd to have above forty Years after. If the House and its Rent have been improv'd since that Time, such Improvement was without doubt at the Charge of the Owner of the House, not of the Parson, who perhaps will scarce give a solid Reason for the advancing his *Pay* upon other Men's Improvements, which cause no *Addition* to his *Pains* in the Discharge of his Office.

The *Incumbent* farther says, that *Love* was
" reputed at that Time worth at least a Thousand Pounds;" but by whom he was so * re-

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puted

* *He was not so reputed by those who best knew him, as appears by the following Certificates, viz.*

The Certificate of RHODA LOVE,

" I was the second Wife of *John Love* of Canterbury; I married with him in the Year 1713, before which he was in a poor low Circumstance, and gave me an Account that he was not worth 30*l.* more than would pay his Debts. I had some Money, of which by the Blessing of God on our Endeavours we made an Improvement, so that my said Husband died worth more than ever he was worth before, tho' not so much as the *Author* of a scandalizing Book, called, *An Examination of the Brief Account of many of the Prosecutions of the People called Quakers, &c.* hath with an ill Intent falsly set forth.

*Canterbury the 21st of
the 4th Month 1742.*

RHODA LOVE.

The

puted is not said. His having "left his Wife
" and Children in very good Circumstances,"

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proves

The Certificate of ELIZABETH SHARPEY,

" I am one of the Daughters of *John Love* of
" Canterbury deceased : My Father was always re-
" puted an honest just Man, in his Dealings
" and Payment of his Debts, but thought it his
" Duty to refuse paying of Tithes, on which Ac-
" count he was imprisoned by one *Humphry Brailsford*
" a Priest, but as I was but young cannot remember
" much about it, except that he was then but in
" mean Circumstances, and I have too much Cause to
" believe his said Imprisonment on that Account
" was a great Detriment to his Family and Circum-
" stances, for I never knew of any Gifts or Presents
" made to support him or his Family whilst in
" Prison, (as some have falsely, and (I believe) with
" an evil View reported,) nor out of Prison neither."

Folkston the 23d of
the 4th Month 1742.

ELIZABETH SHARPEY.

The Persons under-named do also declare,

" That the said *John Love* of Canterbury, formerly
" called *John Love* the Younger, was an honest just
" Man, and industrious to maintain his Family,
" tho' of mean, low, and for the most Part rather
" poor, as to his Circumstances in the World, than
" otherwise ; they all know or have heard of his
" being imprisoned for refusing to pay Tithes, but
" know nothing of his having any Gifts or Presents
" more

proves not that he was any other than a poor
Man * Twenty three Years before. What the
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Incumbent

" more or less (as hath been reported and printed)
" whilst he was a Prisoner, or at any other Time.

John Adams Servant to the said John Love
from 1685 to 1688.

John Newman his Apprentice from 1688 to 1695.

John Atterton his Apprentice from 1703 to 1710.

William Screen his Apprentice from 1710 to 1718.

*The Account of HENRY SIMS of Canterbury
concerning John Love.*

" I was born at or near this City, of Parents
" called Quakers, and have known the said *John*
" *Love* from my Youth, and as I advanced in Years
" became intimate with him, and by Experience
" know he was an honest, sober, industrious, and
" religious Man, tho' hard put to it to get a Live-
" lihood for his Family, (a Wife and four Children)
" till in his latter Years. He thought it his Duty to
" refuse paying of Tithes as not agreeable to this
" Gospel Dispensation, on which Account I remem-
" ber he was imprisoned, which was an Hindrance
" to him in providing for his Family during that
" Time so well as otherwise he could have done,
" tho' he industriously did what he could towards
" it, by making and selling of Pattens, a Trade he
" then used, in the Prison to them that would buy
" them. He was always, before he married a second
" Wife in the Year 1713, of low Circumstances in
" the

* Love died not till the Year 1721, which was 23
Years after this Prosecution and Imprisonment.

Incumbent urges of "his being supported by
" the Friends" during that Confinement, would
have been, if true, an Indication of his Poverty;
for 'tis not the Method of the Friends to support
any who are rich and able to support themselves:

CASE I.

Nor

" the World, and I well remember that after he was
" married to her, he told me among other Things
" to this Effect ; that his Circumstances, before he
" married the said Wife, were so low, that he
" thought he had but little more than enough to pay
" his Debts, and therefore had a Purpose to sell all
" he had and pay them, and trust to Providence and
" his own future Endeavours for a Livelihood for
" himself and Family.

" Though I have from my Youth been acquainted
" with the Affairs of the Community of the People
" called *Quakers*, yet I don't remember, that *John Love*
" was at any Time assisted by them, or any
" other People, either by Presents or Gifts ; but
" supposing he had been so assisted (if Need had so
" required) it tends to shew the plainer, that he was
" then but a poor Man, as mentioned in the *Brief Account*.

" As to what is farther said of *John Love's* " Be-
" haviour being Wild," and of his " Ranting and
" making a Noise in the Streets" : If they who so
" represent him had fully known him, and not been
" prejudic'd on Account of his Refusing to pay
" Tithes, and his believing it his Duty to admonish
" People in publick Places to refrain from Evil,
" and chuse Good, I believe, they would have given
" him a quite contrary Character, as his Neighbours
" (so far as I have heard) generally did.

" Had the *Examiner* in this Case been desirous of
" searching out the real Truth, he might have en-
" quired of Persons probably more Impartial ; for

Nor do they support *poor Prisoners* with *rich Presents*: Those who can suppose that, and that " his Confinement in Goal was advantagious to " him," may, if they please, with equal reason, suppose, that his Prosecutor sent him thither on purpose to enrich him. But to what a low Ebb must their Cause be reduced, who bring only such *vain Fancies* to oppose *plain Facts*.

If *John Love*, by any Conduct peculiar to himself, did afterward offend the Government, the Relation of that is not imputable to us, nor does it any way concern the present Case: Wherefore, we are not obliged to follow our Opposers into Excursions foreign to the purpose, and perhaps insisted on by them only with a *View* of withdrawing the Reader's Attention from the Point in hand, and diverting him from taking Notice of the real Defects of their *Answers*.

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The

" as the *Antichristian* and *Popish* Imposition of Tithes
 " is the Darling of the Priests, how could he expect
 " that they, on whom he depends for Information,
 " would give a true Account of those who suffer
 " under them for refusing their Assistance to uphold
 " it."

Canterbury the 6th of
 the 5th Month 1742.

HENRY SIMS.

The foregoing Certificates and Testimonies fully shew, that the present Incumbent has been misinform'd in the Account he gives of John Love; and that when he rests the Credit of his Narrative on his being " informed by several Persons here," he is mistaken in adding, that know it to be so."

The Examiner next produces, pag. 93, "The Account, which the Reverend Mr. Lewis of Margate, likewise gives," who says, "That he knew Mr. Brailsford," and that "he was a quiet and peaceable Man, and not of a Temper either to seek, or desire to be aveng'd of his Adversaries ;" that "he was well beloved and respected, and had a general good Character for his Kindness and Charity to the Poor and Distressed."

We are so far from an Inclination to detract any Thing from his just Character, that we have given an Instance of his *good Temper, Kindness, and Charity*, in shewing that he released poor *John Love* after *fourteen Months Imprisonment*: For we thought it equal and *reasonable*, that the Account of his Severity, in imprisoning *Love*, should be alleviated, by relating also the Evidence he gave afterward of his *Repentance* of that Severity by *discharging* him, and which we never doubted to be the *Effect* of a quiet and *peaceable Temper*.

The same Person also says, " I likewise remember *John Love*, and have often seen, and heard him, in the Streets of *Canterbury* ranting and making a Noise." This looks like the Construction of a prejudiced Person; for, other Persons, who have heard *John Love* in the Streets preaching Repentance to the People, think that Construction of his so doing neither just nor charitable.

He farther says, pag. 94, " As to the Prosecution of *John Love* by Mr. Brailsford, it was so early as 1698, so soon after the Act,

" that I have thought that he knew nothing of it, but left it to the Direction of his *Attorney*. This I think probable, by his releasing *Love* after about 14 Months Imprisonment." But we think that *Love's* fourteen Months Imprisonment, in the same City where the Prosecutor dwelt, could not probably be without his Knowledge of it from the Beginning ; and that Time and better Thoughts had mollified his Severity, and disposed him to exercise a *Christian* Spirit of Forgiveness.

The *Examiner* in the third Place produces, pag. 94, 95, what he calls "the Account from the Records of the Exchequer." Which Account, in every particular Circumstance of it, doth so exactly agree with our *Case* and the *Note* thereupon, that while he admits the *One* to be true, he cannot avoid the Force of the *Other*: Nevertheless, he shuffles egregiously, but in vain. "It does not appear (*says he*, pag. 95,) that any Answer was put in to the Bill, so that the Imprisonment of *Love* arose from an Attachment for his Contempt in not answering to the Bill." Thus he draws a positive Conclusion from doubtful Premises, and resolves what *was*, from what doth not appear to have been. However, his ill-drawn Inference, if admitted, can be of no Service to his Cause; for *Love* was nevertheless the Parson's Prisoner, and as such afterward by him released.

As little to his Purpose is the *Examiner's* Pretence, that "the Sum for which this Suit was brought, was certainly not recoverable by the first *Act* of the 7th and 8th of King William CASE I. " the

" the third," seeing it was certainly *recoverable* by the latter of those *Acts*; tho' he pretends to doubt even of that, and queries, " Is the Tithe " of the Rent of a House, a great or a small " Tithe? I have not, *says he*, met with it speci- " fied among either." This Objection, that the Demand was not really for Tithe, if admitted, would shew the greater Injustice in the Par- son's Suit, which was expressly for " five Years " and a Quarter's Tithe," and would *aggravate* the Injury of Love's Imprisonment by the Fals- hood of the Priest's Demand.

But the *Examiner* abides not by this, but what in one *Paragraph* he attempts to evade as " not comprehended within that *Act*," in the very next Paragraph he supposes to be compre- hended therein: His Words are, pag. 96, " But supposing it included in that *Act*, as the " Justices could give no Costs, Was it reasonable " he should have been at the Expence of one " Years Dues to recover the Others?" His Affer- tion, that " the Justices could give no Costs," we take to be false, contrary both to the Reason of the *Act*, and to their general Practice there- upon; wherefore his Suggestion of *Expence* in this Case is groundless. Besides, it must be an odd Piece of Thrift, that, to avoid the Expence of a Justice's Warrant, would have Recourse to a Suit perhaps an hundred Times more chargeable in the *Exchequer*. 'Tis farther pretended, that " he (the Prosecutor) might without Reflection, " leave it to his Attorney to proceed, as he " thought fit." But, we presume, that his employing an Attorney in this Case, shews his

Inclination not to proceed before the Justices, which might have been done without making use of any Attorney. So that the *Examiner's Instance* of the "Country Quakers asking Advice" in order to his just Defence, is in no wise parallel to that of employing an Attorney in an unnecessary Prosecution.

" There is, (*says the Examiner, pag. 97,*) " this further Reason for this Method of proceeding, That Mr. Brailsford could not ascertain " the Value of his Demand without a Bill of " Discovery." This is directly contrary to the *Account from the Records of the Exchequer* produced by himself, which shews that the Prosecutor not only knew the * *Value* of his Demand, but particularly specified it in the *Bill, viz.* " for " 2 l. 12 s. for five Years and a Quarter Tithe, " at 2 s. in the Pound, on a Rent of 5 l. a " Year." Could he stand in need of the Aid of that Bill, for the Discovery, of what he already perfectly knew, and had particularly specified therein.

The Original *Cause* of Love's fourteen Months Imprisonment was the Prosecutor's Choice of this Method of Suit; and if he was imprisoned for Contempt, in the Course of Proceeding, his Commitment must have been at the Instance of the Prosecutor, or those he employed therein; but

CASE I.

the

* The well known usual Practice or Custom of rating Tithes in that City is at 2 s. in the Pound Rent; so that the Value of his Demand was certain, and the Rent was as easy to be known by the Assessments or Rates for the Poor.

the *Examiner* here thinks proper again to ~~reject~~^{reprint} his old unjust *Reflection* on the Courts of Justice, and endeavours to transfer upon them the *Odium* of that Severity which is properly imputable only to the Prosecutor : The Iniquity of which Practice we have largely shewn in pag. 73, 74, foregoing.

" The only Imputation, adds the *Examiner*, " that remains on Mr. *Brailsford* is, that he afterwards, without any Satisfaction either for his Dues or Charges, consented to his Discharge. " This, *says he*, carries no Cruelty with it." Nor was it intended to convey any Imputation of that Kind : What we said of *Love's* Discharge, was purely inserted for the sake of Truth and Justice, as we have already observed : But who told the *Examiner*, that the *Parson* discharged *Love*, " without any Satisfaction either for his Dues or Charges ?" Our *Note* does not say so. We do indeed believe, that *Love* never consented to pay him any thing ; but whether by any other Means he received either his Demand or Charges, we are not able to determine : And we are jealous that the *Examiner* in this Point has asserted more than he knows to be true.

The *Examiner* closes his Remarks on this Case thus, " It will not be material to take any further Notice of his (*Love's*) other wild Behaviour, either of insulting the Archbishop in the Church, or of Libelling the Government, or of the Punishment he underwent ; but only to observe, that they proceeded from the same Motions of the Spirit of Enthusiasm, from the

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" same

" same mis-guided Conscience, as the Injuring
" Mr. Brailsford in his Property."

It was certainly not material to the present Case, to take any Notice at all of *Love's* Conduct in Points which had no Relation to that Case; and which the *Examiner* has no Inclination to represent in the most charitable Manner. His Observation imports, that *Love's* libelling the Government proceeded from the same Motives with his Refusal to pay Tithes. This Remark, so far as it conveys a Reflection on the *Quakers* in General, is very unjust; for the Spirit of Christ, by whose Guidance they profess to be led, hath by *Gospel* Precept enjoyned the Refusal of Tithes, but hath forbidden the libelling the Government: Wherefore those things do not proceed from the same Motive. The *Examiner* might have forbore this ill-natur'd Remark, had he regarded the Advice given by himself, pag. 45. viz. " Let the Objectors consider, whether this uncharitable Suggestion may not with equal Reason from the same Way of arguing return upon themselves," for we are ready, when he shall desire it, to produce some Instances, plainly proving, that a notorious *Disaffection* to the present Government, and a fiery *Zeal* for the Payment of Tithes, have some times coincided in One and the same Person, led (as we have Reason to believe) in both, " by a misguided Conscience" and " the Motions of a Spirit," equally averse to *Protestant Liberty*, and tenacious of *Popish Usurpations*.

C A S E II.

*Brief Account, pag. 62, 1698, "ELIZABETH
BAKER of Beakburn, Widow, was prosecuted
in the Exchequer for Tithes at the Suit of
Humphry Brailsford Parson in Canterbury."*

To this the *Examiner* answers, pag. 98. "The Records of the *Exchequer* have been diligently search'd, during the Reigns of King *William* and Queen *Anne*, and it does not appear that any Bill was filed by *Humphry Brailsford*, Clerk, against *Elizabeth Baker*, for Tithes due to him, as Parson of any Parish in *Canterbury*." In which Answer he substitutes different Terms from those in the Case, and seems to deny what is not therein affirmed; for the Case neither says, that "any Bill was filed," nor that the Prosecution was "for Tithes due to him, as Parson of any Parish in *Canterbury*." Does he expect Readers so weak as to accept his indirect Negation of another thing, for a Disproof of what we say? Does not, in this Case, his own unjust Observation upon the *Quakers*, pag. 86, retort with Justice upon himself, that "the great Contempt he has for the Persons and Understandings of other Men is too visible?"

He proceeds, pag. 99. "A strict Enquiry has also been made amongst several of Mr. *Brailsford's* Acquaintance and others, who lived in the Neighbourhood; and no Information can be had, no Person, as far as they can find,

" find, remembers, or has heard of any Prosecution brought in any Court by Mr. Brailsford against *Elizabeth Baker.*" This, no doubt, will carry as much Force, as it ought to do, with those who can think, that a *Parson*, when he prosecutes a *Widow*, is obliged to inform his Neighbours and Acquaintance of his so doing. Had the *Examiner's* Aim in his Enquiry been purely for Information, he might more probably have met with it from the Neighbours of *Elizabeth Baker*, of whom he does not appear to have enquired at all. The *Examiner* may talk of *Negative Evidence*, while he produces no *Evidence* at all, of any thing but his Witnesses Ignorance, which does not in any wise affect the Truth of the Fact ; and therefore amounts not to a *direct Negative*, which ever implies some Contradiction to the Matter in Question.

" If, says the *Examiner*, a *Subpœna* alone be sufficient Proof of a Prosecution, it must have come into the Possession of the Defendant, and may be shewn." But his Observation herein is not just, as plainly appears by the Testimony of a Clergyman of his own producing, pag. 108. whom he calls, *The Reverend Mr. Charles Buck, Son of Charles Buck, Vicar of Cranbrook, who says,* " Among some old Papers I have found two original *Subpœnas*, which shew that *Jeremiah Vine, Richard Price, George Courthop, and George Colvill*, were sued in November, the fifth of Queen Anne's Reign, 1706, by my Father *Charles Buck*, then Vicar of Cranbrook." This clearly proves, that the original *Subpœnas*, which in that Case certainly had been served upon the

CASE II.

Defendants,

Defendants did nevertheless remain in the Possession of the Plaintiff; which directly contradicts the *Examiner's Assertion*, " that it must have come into the Possession of the Defendant." Wherefore, the *Defendant's* not being able to shew the *Subpœna*, is no reasonable Ground to presume that the Prosecution was not: If the Prosecutor did drop his Suit without either a *Bill filed*, or any *Answer given*, the Prosecution was the less *Expensive*; and had the *Examiner* been just, he might have observ'd, that we did not insist upon any peculiar Expence or Severity in this Case.

That the *Quakers* did seek Redress of the Grievances complained of without such a particular Specification of Suits, is certain: 'Twas the Clergies Artifice to protract Time, which probably induced them to require " a Specification of Facts." The *Brief Account* was published by the *Quakers* with a single View of demonstrating the Justice of their *General Complaint*, in condescension to the Clergies Requirings: If any Inconveniences to the *Character* of some particular Person; have been the Consequence of that Publication, they are justly to be imputed not to the *Quakers*; who applied for *Redress* without that Method, but to the Importance of the Clergy, who, as it were, extorted it.

The Compilers of that Account cannot reasonably be supposed to have had any particular Knowledge of the Persons named therein, nor whether they were *living* or *dead*; wherefore they are not chargeable, either with " casting " Censure on, or disturbing the Ashes of the

CASE II.

T

" Dead."

“ Dead.” The Principle they were governed by directed them to make a *just* and *faithful Collection* of *Facts* they found recorded : Of the Truth of which Facts, could they have entertained any Doubt or Scruple, the Methods the Clergy have since exercised to confute them, would have effectually remov’d it.

In the Case now before us there is no *peculiar Severity* ascribed to the Prosecutor ; and in the foregoing Case, the Account we gave of his releasing *Love* out of Prifon, appears to be the only Warrant the *Examiner* has for saying, that “ In “ the Instance before given, he pitied even the “ Obſtinacy of the Person who had injured him, “ — and discharged him with the Loss of “ his Debt and Charges : And is gone to his “ Grave in Peace.” Surely the *Examiner* does not do us Justice, in complaining that we “ un- “ justly asperse” a Man, by giving that *Account* from which himself has inferr’d so fine a Character concerning him. But this is not the ſingle Instance of the *Examiner’s* pulling down with *One Hand*, what he builds up with the *Other*.

C A S E III.

Brief Account, pag. 62. 1698. “ STEPHEN “ GIRDLER was prosecuted in the *Exchequer*, for “ a Demand of Eight Pounds for small Tithes, “ at the Suit of *Jonah Maud Parfon* of *Ten- terden*.”

In Answer to this the *Examiner* says, that
 " The Account given by the Reverend Mr.
 " D'LANGLIE the present Vicar of Tenterden is,
 " as follows,
 " Jonathan Maud, Vicar of Tenterden, sued
 Stephen Girdler for Vicarial Tithes in the Ex-
 chequer, who was one of the People called Qua-
 kers, a Felmonger. John Pay, one of the
 same Denomination, and a Tanner, who now
 lives in the same House which Girdler lived
 in, remembers the Prosecution, and observes,
 that Mr. Maud was a friendly, neighbourly
 Man, and averse to doing a hard thing to any
 Body ; but that he was forced to use this Re-
 medy for getting his Tithes of Girdler, as not
 knowing, as he believes, of an easier Way.
 The same Character of Mr. Maud is confirmed
 by the Ancient Inhabitants of the Parish who
 knew and remember him."

" John Pay's Landlord pays the Tithes, about
 19*s.* a Year, and he pays so much more
 Rent."

Upon the foregoing Account, we observe, that the present Vicar confirms the Truth of our Case in every Particular, except that of the *Value* of the *Demand*. For the Ascertaining of which, we have enquired of John Pay, the Person to whom the Vicar refers, and of whom, the *Examiner* pag. 104, says, " He has more Honesty than to conceal or disguise the Truth." This John Pay assures us, that the Case is right, and that the Demand for Tithe was about Eight Pounds, as the said Case relates. 'Tis also to be

observed, that this was the Sum demanded before the Suit in the *Exchequer* began, and would, had *Stephen Girdler* paid it, have prevented that Suit. The said *John Pay* also declared, since the *Examination* was publish'd, that the present Vicar had held no Conference with him about this Affair, and consequently did not write of his own Knowledge, but by hear-say : That he is mistaken in asserting that *John Pay* " observes, that Mr. *Maud* was a friendly, neighbourly Man, and " averse to doing a hard thing to any Body," for the said *John Pay* doth not believe that he ever said so ; because he had no such favourable Sentiments concerning his Temper.

John Pay farther says, that he never made any Agreement with his Landlord concerning the Payment of Tithes, nor did he ever know what his *Landlord* pays, 'till he saw the Sum of 19 s. mentioned in the *Examination*. That he knows not that he pays any more Rent on that Account, but that his Landlord assures him, he can have the same Rent of another Person, without paying the Tithe for him.

CASE III.

The

An Account since received in a Letter written by *John Pay* himself, dated the 22d. of the fourth Month, 1742, is, as follows, in his own Words.

" There is lately come into my Hands, a Book,
" intituled, *An Examination of a Book lately printed by*
" *the QUAKERS, and by them distributed to the Mem-*
" *bers of both Houses of Parliament, intituled, A Brief*
" *Account, &c. and particularly so far as the Clergy*
" *of the Diocese of Canterbury are concerned in it.*

" In

The Examiner next produces what he calls
 "The Account from the Records of the Exchequer,"
 which confirms the Reality of the Prosecution;
 but the Bill does, as such Bills frequently do,
 suggest a Claim very exorbitant, and beyond
 the Truth: This is so palpable, that our Opposers themselves are constrained to acknowledge,
 that " * the mere Allegations either of Bills in

CASE III.

" a

" In pag. 101 of the said Book, where the said Au-
 thor mentioneth the Prosecution of Stephen Girdler
 in the Exchequer by Jonathan Maud; and to my
 Surprise, I find my Name mentioned in the said
 Book, and as the Author saith, he had the Ac-
 count from my Neighbour Theophilus D'Langlie,
 present Vicar of Tenterden.

" And in examining his said Account, I find he
 hath done so much Injustice, and unfair Dealing,
 that I think I am bound in Duty to my deceased
 Friend, my Neighbour, and my self, to put the
 thing in a true Light, wherein my Neighbour hath
 so grossly mist it.

" First, he takes Notice of Stephen Girdler a Fel-
 monger, which he was a Tanner, and the Son of
 a Tanner, his Father and he lived and died in the
 said House where I now live, and in a House
 near in this Neighbourhood, I believe I may ven-
 ture to say, he and his Father drove the Trade of
 Tanning near one hundred Years; so that I think
 if he (the Vicar) had put himself to a very little
 Trouble, he might have been rightly informed in
 this thing.

" When

* Examination on Behalf of the Diocese of York.
 pag. 102.

" a Court of Equity, or *Libels* in the Spiritual
 " Court, are not Evidence as to the just legal A-
 " mount of the particular Charges specified in them."
 And yet do they continue to produce as Evidence
 what they own is not so. Thus this *Examiner*,
 pag. 103. in the present Case, says, " He (the
 CASE III. " Prosecutor)

" When this Suit was commenced I was then Ste-
 " phen Girdler's Apprentice, or his Journeyman, for
 " I have lived in this House more than fifty Years:
 " I do remember several Passages of the said Suit.
 " Maud sued Girdler: I never understood that his
 " Demand on Girdler was more than about Eight
 " Pounds, for small Tithes, but for how many Years
 " Arrears I cannot tell; but he brought his Bill
 " against him for Tithes in Kind; to which Girdler
 " put in his Answer, but it was objected against, and
 " he was obliged to put in his second Answer, where-
 " in he set forth the *Modus*, which as I be informed,
 " is for Marsh-Land 12 d. per Acre, Town-Land
 " 6 d. per Acre, and the rest of the Parish 4 d. per
 " Acre. Whether my Land be in that Part call'd
 " Town-Land, I know not.

" And on Girdler's putting in his second Answer,
 " the Suit went forward, untill there came out a
 " Writ of Enquiry, or Commissioners ordered by
 " the Court, to sit at Tenterden, where each Party
 " was to make good their Claim: Girdler hearing
 " of a Lawyer whose Name was Spiller, living near
 " Battle in *Sussex*, that had managed a Suit against a
 " former Vicar and had cast him, and prov'd it a
 " Modus, went to this Man, who told him, he might
 " make himself easy, he would undertake it, and did
 " believe, he (Girdler) would hear very little more
 " about it; and in a few Days after Maud sent him
 " Word, that the Commission was put off, which
 " was the end of the Suit, which is all that I can re-
 member

" Prosecutor) is charged with suing for a Demand recoverable by the Acts of the 7th and 8th of King *William III.* when by his Bill he demands 30*l.*" which *Demand* exceeds the Truth as much as 30*l.* exceeds 8*l.* which we have already prov'd the original Demand to have been. The *Examiner*, pag. 104. queries, " under what Authority have they asserted, " that the Demand was for 8*l.* to bring it under
 CASE III. " Value?

" member of it ; which I suppose *Maud* found he should be cast, and so dropt it in this manner.

" As I understood after the Commission came out and was put off, the Landlord, unknown to *Girdler*, agreed with *Maud*, and paid him about Eight Pounds, though he pleaded he had been at a great Charge in the Suit, which was never repaid him again by my Uncle *Girdler*.

" But there did arise a Dispute between *Girdler* and his Landlord about Repairs and other things, and the Landlord proposed for so much Rent to put an end to all future Disputes, he would find all Repairs and pay all Taxes, except Glass Windows, and mending the Highways, and this Agreement hath continued ever since, so that I have made no Agreement for Tithes, nor I do not know what the Landlord hath. Once I was speaking to the Landlord on this Subject, and his Answer was, that if he paid his whole Rent to the Parson, he might do what he pleased with his own, and as for the Parson's Demand it was his Due and it should be paid by somebody, and if I had a Mind to pay it I might, but he would abate nothing in the Rent.

" Farther my Neighbour D'Langlie speaking of me, says, " JOHN PAY observes that Mr. MAUD was a friendly neighbourly Man, and averse to doing a hard thing to any body ; but that he was forced to use

" Value? Was it from their Records?" We answer, It was from an Account received from the Person of whom that Demand was made: And 'tis confirm'd by the Testimony of *John Pay*, an Evidence, who, the *Examiner* acknowledges, is

CASE III.

" tender

" use this Remedy for getting his Tübes of Girdler, as
" not knowing, as he believes, of an easier Way."

" As I mentioned before, that my Station in the
" World, when this Suit was commenced, was no
" other than an Apprentice or a Journeyman, so
" that I had no Opportunity to know what Sort of a
" Man he was, as to his Views in this Suit, or any
" of his Conduct: He was a Stranger to me.

" And for my Neighbour to make me speak and
" believe what he hath mentioned as above, I can-
" not account for; for I do assure the World, that
" I never had any such Thoughts come into my
" Mind, and much more that I should speak or be-
" lieve them: Which I must leave to his Conside-
" ration.

" Whether *Maud* did know of an easier way or
" not to get what he called his Dues, I know not;
" but am inclining to think, he might believe that
" he had a fair Opportunity to make a bold Stroke
" against the *Modus*. But I leave this Subject on
" dropping this Hint.

" These Remarks I think sufficient to discover
" the Truth of the said Case, wherein my Neigh-
" bour hath so very much misrepresented it, being
" so easy led away by Reports so ill grounded.

" As I am a Man averse to Controversies, I ne-
" ver love to enter on those Subjects, and should be
" glad to see Subjects of this Nature at an End, who
" am a well-wisher to all Men."

" tender of his own Reputation, and will not by
 " Falshood support the pretended Veracity of the
 " Compilers of the *Brief Account.*" The Validity of his Testimony is farther warranted by the *Examiner*, who tells us, that " A Friend of their own Denomination lived in the Place, nay, in the very House from whence the Complaint arose ; had they enquired of him, he has more Honesty than to conceal, or disguise the Truth." Upon Enquiry of him we find that he dwelt with *Stephen Girdler*, his near Relation, at the time of this Prosecution, remembers it well, and that the Demand was as our Account relates, For, tho' *John Pay* be " so honest, as not to conceal or disguise the Truth," yet the *Examiner*, or those who pretend to relate what he says, (*Examination pag. 101, 102,*) have been (as we have already shewn) so *dishonest*, as to conceal or disguise" his Testimony.

The *Examiner* closes his Remarks in this Case with a kind of *Fawning Sneer* upon *John Pay* in the following Words, viz. " His Conscience does not oblige him to injure another in his Property, he pays honestly for what he enjoys, he hires the Whole, whilst his Landlord pays for the Tithes." But if we will believe *John Pay* himself, he declares, that he never made any Agreement with his Landlord to pay the Tithes, nor had he ever any Concern therein ; but after the former Vicar *Maud* prosecuted his Uncle *Stephen Girdler*, the said *Stephen's* Landlord without his Consent took the Tithe for the future upon himself. That he hath voluntarily continued to do so from that Time to this, without any Engage-

gagement from his Tenants, or any manner of Obligation on them to repay him : So that *John Pay* in this Case pays no Tithes, nor does he contract with his Landlord to pay them ; but the *Landlord* of his own accord takes the Burden upon himself, that he may keep an old and approved Tenant of his Estate secure from any Prosecution of the Parson : By which Act the Landlord shews a remarkable Respect, not only to his Tenant, but also to the present *Vicar*, who instead of gratefully acknowledging such Generosity, attempts to detract from the Merit of it by unwarrantably asserting, that *John Pay* “ pays “ so much more Rent,” which, we have before shewn, to be untrue. Thus the *Examiner’s* Flattery and pretended Justice to *John Pay* appears to convey an injurious *Insinuation* of a *Compliance*, he declares he is not guilty of. *John Pay* on this Occasion has more Reason, than the *Examiner* had pag. 71, to cry out, *Timeo Danaos !*

Having cleared this Case from the causless Cavils, and the Character of *John Pay* from the flattering Deceptions, of the *Examiner*, we proceed to

C A S E IV.

Brief Account, pag. 63, 1698. “ NATHANIEL OWEN the Elder, was prosecuted in the Exchequer for Tithes at the Suit of *Hugh Owen Parson of Sevenoak.*”

How

C A S E IV.

How does the *Examiner* confute this? He produces *The Answer*, (for so he calls it) of the Reverend Mr. Hugh Owen; who tells us, that "Mr. Hugh Owen the Clergyman (who prosecuted Nathanael Owen of Sevenoak) was his own Father." But as to the Matter in Hand, he says, "All that I know is, that he gave my Father a great deal of Trouble, for he never would pay any Tithes, unless compell'd by the Justices of the Peace." But though he knows nothing of this Prosecution, yet, it seems, he has heard from Sir Charles Farnaby a broken Story of another Prosecution many Years before, which "Mr. Lambard, who is above 70 Years old, and is now a Justice in his Parish, tells him, he can just remember, it was before the Revolution, and he thinks the Prosecution was in *Doctors Commons*, and that upon the Statute of 32. Henry VIII. after Sentence definitively given, he was sent to Prison by the Justices for his Obstinate Refusal of Payment." All this Remembrance, and all these Thoughts, are but imperfect Accounts of somewhat partly forgotten: We do find, that *Nathanael Owen*, before the Revolution, not only suffered several Years Imprisonment for Tithes, but for a Demand of 16*l.* had his Goods taken by *Sequestration* to the Value of 140*l.* But what have this Prosecution, and this Imprisonment, or any other, which were before the Revolution, to do with the Prosecution mentioned in the *Brief Account*, which was ten Years after the Revolution, and which doth not appear to have been attended with any Imprisonment? Certainly, his being prosecuted before the Rev-

lution, can have no Tendency to prove, that he was not prosecuted again after the *Revolution*. But the *Examiner*, to puzzle a plain Case, confounds things evidently distinct ; and brings an imperfect Account of a Fact done *before the Revolution*, to disprove a different Fact done *ten Years after the Revolution*. And altho' he knows the Prosecution by us mentioned bears date in 1698, yet he has the Assurance to say, pag. 107, " He
 " (the Clergyman) has been accused of neglect-
 " ing a Remedy easy, and secure, before that
 " Remedy was in being or even thought of ; of
 " chosing the severer Method, when no other
 " could be chosen." This he says, tho' 'tis most certain that the easier Method was provided in Year 1696. He adds, " But after it was pro-
 " vided, he took that Method which they would
 " prescribe." Which, if true, was probably af-
 ter this Prosecution commenced, and when the Charge of carrying it on induced him to put a stop to it, and have Recourse to a more moderate Way of Proceeding. This we are the more ready to think, from the *Examiner's* saying, that " no Bill appears to have been filed," for the Prosecution was certainly commenced, a *Subpæna* served, and an Appearance entred thereto. So that to the *Examiner's* Queries, " Were the Re-
 " cords of this Transaction entred from Memoirs
 " when and as it happened ? And is the Account
 " faithfully extracted from thence ?" We an-
 swer, Yes ; and that all he has advanced doth not a whit diminish either the Credit of the *Record*, or of those who extracted the *Account* therefrom.

C A S E V.

Brief Account. pag. 63. 1706. “ JEREMIAH
 VINE, GEORGE COURTHOP, RICHARD PRICE,
 and JOHN COLVIL, were prosecuted in the
Exchequer at the Suit of *Charles Buck*, Vicar
 of Cranbrook.”

To which this Note is subjoin'd.

“ The Vicar died during the Prosecution, and
 by his Death the Suit ceased.”

The Truth of this Case is confirmed both by *the Answer of his Son*, whom the *Examiner* calls, “ the Reverend Mr. Charles Buck,” who says, pag. 108. “ I have found two original Sub-
 “ pœnas, which shew, that *Jeremiah Vine*, Rich-
 “ ard Price, *George Courthop* and *George Colvil*,
 “ were sued in November the fifth of Queen
 “ Anne’s Reign 1706, by my Father *Charles*
 “ *Buck*, Vicar of *Cranbrook*;” and, by the Ac-
 count from the Records of the *Exchequer*, which
 says, pag. 110. “ In Michaelmas Term 5° Annæ,
 “ *Charles Buck*, Vicar of *Cranbrook*, exhibited
 “ his Bill in the *Exchequer* against *George Cour-*
 “ *thop*, *John Colvil*, *Jeremiah Vine*, and *Richard*
 “ *Pierce*, for minute and Vicarial Tithes.” The
 Truth of the Note subjoined is also confirmed by
 the said *Charles Buck*, who says, that “ his Fa-
 ther died about the 15th of *February* following
 intestate,” and that, “ as near as he can remem-
 CASE V. “ ber,

" ber, the Arrears of Tithes due from the four
 " Quakers aforesaid came to about 20*l.* which
 " was all lost by his Mother's not Renewing the
 " Suit."

That the Prosecutor in this Case was not ignorant of the easier Method of Recovery, is apparent by what his Son relates of his "causing several of his Parishioners, that were indebted to him for Tithes, to be summoned to appear before the Justices at their Sitting, which was in 1696."

That the Prosecutor's Demand was recoverable by the easier Method is apparent, not only from what his Son observes, that "the Arrears from the four Quakers came to about 20*l.*" but from the *Account from the Records of the Exchequer*, where the Demand, though more than just, is but

*5*l.* from Courthop for three Years.*

*5*l.* from Colvil for five Years.*

*20*l.* from Vine for ten Years.*

*20*l.* from Pierce for ten Years.*

So that none of the Sums demanded did exceed 40*s. per Annum*, the Sum recoverable by the former of those Acts, much less did it exceed 10*l. per Annum*, the Sum recoverable by the latter of them. And yet those Sums mentioned, in that Account, far exceed the Sums acknowledged in the several Answers of the Defendants, pag. 111. nor did this Suit respect any thing due before the Commencement of those Acts. Wherefore, the Prosecutor's Son's supposing, pag. 109, that "Vine's Arrear was (probably) more than 20

" Years," and pag. 110, that " the whole
 " Debt of (*Colvil*) Father and Son conjunctly,
 " must be for no less than 38 Years," is but
 mere conjecture, and has no Foundation from the
 Bill exhibited in the present Case.

We are next to consider the *Examiner's* Obje-
 tions upon this Case; who, pag. 112, says, " To
 " these four Prosecutions the Answer is obvious,
 " that the Vicar's Right was denied, and a par-
 " ticular *Modus* set up in every Case, and is there-
 " by an express Exception to the Power of the
 " Justices by both the Statutes." But we think,
 that " an express Exception to the Power of the
 " Justices," cannot be, in a Case wherein no
 Application was ever made to the Justices, and
 that 'tis impossible, without any Recourse to the
 Justices, to know, that the *Quakers* would have
 made any Exception to their Power in Case of
 such Application.

His next Cavil is upon *John Colvil's* saying in
 his Answer, " that the Land occupied by him,
 " and the House in the Occupation of his Mother
 " *Susanna Colvil*, *ALWAYS* paid together 4*s.*
 " 4*d.* in full for Vicarial Tithes, as a *Modus*
 " or Custom." Which Words *always paid* must
 in common Reason there refer to such preced-
 ing Times wherein Payments had been customa-
 rily made: But the *Examiner* from thence would
 infer, that *John Colvil's* " Father did pay," or
 else that the " Son's Answer is untrue." Nei-
 ther of which are necessarily consequent from
 the Premises. For Payments might, for ought
 the *Examiner* knows, have been made for
 both or either of them without their Consent;

CASE V.

and

and 'tis not fair in him to draw positive Conclusions from uncertain Conjectures of a Person who sets him an Example of more Modesty in saying,
 " *I think I am not mistaken*, when I say nothing
 " was paid by, or for both, or either of them." So that the Pretence of any Arrears due from either of them before the Acts took place, being founded on mere Supposition, nothing can reasonably be inferred from it. But 'tis reasonable to infer from what the *Examiner* says, that " Mr. Buck soon after the Acts were passed, summoned several of his Parishioners before the Justice," that he could not possibly be ignorant of those Acts 10 Years after when he commenced this Prosecution, nor at any time within that Interval.

The *Examiner*, (pag. 113) urges " the Unreasonableness of bringing an *Accusation* for what was done so long ago; especially after the Death of Parties, whereby many Incidents either necessary, or proper for their Defence, are unknown, or forgotten." In this he expresses himself not very cautiously, in affirming what he does not know, *viz.* that " the Incidents unknown or forgotten are many," it being, as we apprehend, impossible for him to know whether they are *many, few, or none at all.*

The like Objection, more prudently express'd, we find to have been made in the early Part of this Controversy in the *Examination* on Behalf of the *Dioceſe of London*, pag. 78. The *Answer* to which, published in our *Vindication* in 1737, pag. 97, 98, we shall transcribe, being as follows, *viz.*

CASE V.

" This

" This seems calculated to amuse the Reader,
 " and to mislead him to think, that the present
 " Account of their *Sufferings* is the only Ac-
 " count of them which the *Quakers*, have pub-
 " lished within these forty Years past, and that
 " they had tarried so long, that the Distance
 " of Time might secure their Account from In-
 " spection.

" But the Fallacy of this will appear by con-
 " sidering,

" I. That the Design of the *Quakers*, and
 " what was expected from them, was, to spe-
 " cify the Prosecutions complained of, and their
 " Number, since the passing the aforesaid *Acts*.

" II. That to do this, 'twas necessary to go
 " back to the Time when those Prosecutions
 " began, which was soon after the *Acts* com-
 " menced.

" III. That before the Year 1710, the *Qua-*
 " *kers* had printed, published, and presented to
 " the Parliament, several Accounts of their *suf-*
 " *fering Cases*, while the Facts were fresh in
 " Memory, the Persons concerned Living, and
 " the Circumstances easy to have been enquired
 " into. These were Part of the Cases again
 " lately exhibited: 'Tis not therefore reason-
 " able in the Clergy to urge the *Distance* of
 " *Time*, as an Excuse of their Inability now to
 " answer those Facts, which, being before
 " published at the Time they were done, they
 " either would not, or could not *then* under-
 " take the Confutation of. If the Clergy had
 " *then* thought their *Honour* and *Character* so
 " nearly concern'd, why had they not vindi-

" cated both at that Time, by *living Evidences*,
 " rather than have referr'd it to be now done by
 " *far-fetcht Enquiries, half-forgot Circumstances,*
 " *and false and scandalous Infinuations?* unless
 " perhaps the present Clergy may think them-
 " selves better qualified to defend the Deceased
 " by the *latter Methods*, than themselves, when
 " living, were to have done it by the *former*.

" IV. That as to the *Quakers*, the *Cases* may
 " be all said to be recent and new, and the *Facts*
 " *undoubted*; having not been intrusted to the
 " *Uncertainty of Memory and Conjecture*, but
 " written in Order of Time, when and as they
 " were transacted."

" 'Tis farther observable, that the *Specifications*
 of the *Prosecutors Names* at this Time, was not
 of the *Quakers* mere Option, but proceeded from
 the pressing Importance of the *Advocates for the Clergy*;
 wherefore the greater is their Disinge-
 nuity, in representing these *Cases* as Accusations
 brought by the *Quakers* to blemish the *Char-
 acter* of particular Persons, whose *Names* they
 know had not been *now* mentioned, but at their
 Request, who insisted upon " such Specification
 " of *Facts* as might give an Opportunity to en-
 " quire in the several *Dioceſes* into the Truth
 " of them, and into the *Circumstances* of
 " those *Suits* and *Imprisonments* which were
 " made the Subject Matter of Complaint."

The *Brief Account* therefore is not an *Accusa-
 tion*, but a *Specification*, to give the Clergy the
 Opportunity they desired of Enquiry into the
 Truth of the *Facts*. In which Specification, had
 not the *Quakers* gone back beyond " the Expira-

"
tion of six Years from the Time of the Trans-
" action," the Clergy would probably have
charged them with a designed Limitation of
their Enquiries. But since it has otherwise hap-
pened, that the *Quakers* have liberally supplied
them with Materials for a perfect Enquiry ;
and that they have hitherto pursued their En-
quiries with uncommon Industry and Applica-
tion, and have published what Informations they
could get, under the most plausible Appearance
which the Artifice of their Advocates, (some of
'em of no mean Abilities) could invent : If,
after all it shall appear, that they have laboured
in vain, and fallen short of their Purpose, their
ill Success can be ascrib'd to nothing but the
Badness of the Cause they have espoused.

The *Examiner's* Objection to the *Defendants*
in this *Case* not paying the *Tithe* demanded to the
Vicar's Widow after his Decease, is scarce worth
Notice : For, seeing they esteemed the Demand
it self unjust and unchristian, his Death could
not alter the Nature of it : Nor could they rea-
sonably suppose his *Administratrix* justly intituled
to receive what they never esteemed a just Debt.
Conscience, guided by *Gospel-Precept*, never errs
from strict Justice, which never requires what
that forbids, *viz.* the Payment of *Tithes*. If
the *Examiner* would be truly informed who they
are that oppress the Widow and the Fatherless,
let him turn to the *Brief Account*, pag. 22,
where he will find, that " the *Widow Henderson*
" and her Son were imprisoned eleven Months
" for one Penny Tithe of *Wool*." Pag. 28, 29,
That, " *Jane Splatt* aged 70 Years, was im-
CASE V. X 2 " prison'd

" prison'd above two Years for Tithe worth 14d."
Pag. 99, That "Elizabeth Hughes Widow,
" having six Fatherleis Children, was impris-
" son'd about 16 Months for small Tithes, pre-
" tended to be due from her Mother deceased."
Pag. 144, That "Jane Robinson Widow, was
" imprison'd nine Months for 3s. 4d. Tithe of
" Apples and Bees." Pag. 147, That "Hannah
" Wakefield, and Agnes Coupland, lay in Appleby
" Goal eleven Months on a Writ de Excommu-
" nicato Capiendo for Mortuaries." And pag.
136, That "Anne Green, a poor Widow, was
" imprison'd almost two Years for small Tithes
" and a Mortuary." Let him also consider who
were the Authors of those Imprisonments; and
with what Degree of Sincerity that Person acts,
who while he is advocating the Cause of such
Oppressors, can pretend a Concern for the Fa-
therless and the Widow.

C A S E VI.

Brief Account, pag. 64, " AMOS BICKHAM, of
the Isle of Thanet, was prosecuted in the Ec-
clesiastical Court at the Suit of John Swain
Clerk."

To which this Note [F] is subjoin'd.

" Bickham was sued for a Demand of 7*s* per
" Annum for one Farm, and 1*s*. 6*d*. for another.
" He constantly attending their Courts, prevented
CASE VI. " Excommunication

" Excommunication for Contempt in not appearing : And his Adversary at last making Default in his own Appearance, the Suit was dismissed."

In Answer to this, the *Examiner* produces what he calls " *The Account from the Reverend Mr. Richard Leightonhouse*, " wherein we are told, that " *Amos Bickham, the Quaker*, was " Tenant of two Farms,—And that, " *The Parish Clerks Wages for the great Farm (according to ancient Custom) is 9s. per Annum ; for the lesser Farm is. 6d.*" and that *Bickham* " used these two Farms near 30 Years, and " never paid any." But the Account doth not shew the Right of any Demand at all from *Bickham* in this Case : But if *ancient Custom* weigh any thing, we are informed from Bishop *Stillingfleet's Ecclesiastical Cases*, pag. 131, 132, that " There were of old several Clerks belonging " to the Church, and they were all *maintained* " by the Minister at *his own Charge*." The *Examiner*, when he writes again, may be pleas'd to inform us, by what *Law, Authority, or Right*, the Parish Clerk, who " *of old* was maintained " by the Minister at *his own Charge*," does *now a-days* claim *Wages* from the Parishioners ? And what Authority the *Ecclesiastical Court* had to intermeddle in this Affair ?

We are told, that upon the Churchwardens Presentment, " *The Quaker and Parish-Clerk both appear'd at Court next Court Day.*" And that " as they rode home together, the *Quaker* " told the Parish-Clerk——it was in his

" * Power to put down his School, and he
 " would certainly do it. Upon this Threatning
 " the Parish-Clerk appear'd no more at Court,
 " and so this Suit ended." But if we credit the
 Account from the *Ecclesiastical* Court, it did not
 end there, but was " continued four Court
 " Days," probably, to have catcht *Bickham* in
 Default of Appearing: 'Tis indeed said, that
 " it does not appear that *Bickham* himself at-
 tended those Courts;" but had he not ap-
 pear'd either by himself or his *Proctor*, the Court
 would probably have taken an Advantage against
 him.

But tho' the *Examiner* has no substantial Matter against the Truth of this Case, yet an accidental Slip of the Press has given him an Occasion to exult, as if he had discovered a profound Plot against the Clergy: " I must, says he, here leave it to the Reader, whether he did not by the Charge understand that *Amos Bickham* was sued by *John Swain*, a Clergyman, in the *Ecclesiastical* Court for a Demand recoverable by the *Acts* of 7 and 8 of King *William the 3d*."

To this we have already sufficiently replied in pag. 119, 120. foregoing, by shewing that the *Examiner's* Objection has no other Foundation than an Error of the Press, in omitting the Word *Parish*, and that himself in all probability could

CASE VI.

not

* It seems improbable that *Bickham* could have it in Power to put down a School, supported by a Salary, & b. reof (the *Examiner* himself tells us) one Half was paid by the Vicar,

not avoid seeing it to be so. If the Reader will be pleased to turn to those *Pages*, he will see the *Examiner's* Disingenuity on this Occasion, and how little Reason he has to pretend, that "this " was done designedly." His Objection also, that " Parish-Clerk's Wages" are not "recoverable " by the said *Acts*," is replied to in pag. 125. foregoing. By what is before said in the Pages referr'd to, 'twill appear, that no Body has " tamper'd with the Evidence" in this Case: That there was no " Fault either in the Compi- " lers of the *Brief Account*, or in those who " made up the *Record*, or in the original " Memoirs from whence it was entred:" But purely and only an accidental Omission of the Printer in leaving out the Word *Parish*, which if the Reader be pleas'd to insert before the Word *Clerk*, the *Examiner's* *Cavil* will be removed, and the Credit of the *Brief Account* in this Case nothing affected thereby.

C A S E VII.

Brief Account, pag. 65, 1734. " JOHN
" WOODLAND of *Mershamb* was prosecuted in the
" Exchequer at the Suit of *Henry Archer* Vicar
" of *Mershamb*."

To this Case, we have the *Account* given by *Dr. Henry Archer* himself, who objects nothing to the Truth of it, except, that he is *Rector*, not *Vicar*, of *Mershamb*.

The *Doctor's* Demand on *Woodland* was by his own *Account*, pag. 119, "two Guineas a

" Year," a Sum doubtless recoverable by the Acts.

That the *Doctor* knew it to be so, appears by the Account himself gives of his " Application to the Justices at the End of two Years ; " who, he says, readily granted him a Warrant, " and were so civil to him to let it go through his Hands to the Officer."

The *Doctor* farther says, that he " gave the Warrant to the Officer," and 'tis certain he might have oblig'd the Officer to execute it : But the *Doctor* is not very explicit in assigning the Reasons which induced him to drop that Warrant, and never after to apply to the Justices, who " were so civil to him." Could their Civility reasonably induce the *Doctor* to avoid their Decision for the future ; and even to reject the Use of what they had granted him ? We suppose not. But since the *Doctor* declares, pag. 120, that " he never intended to deal hardly by *Woodland*," we are very sorry that he was misled by ill Advice " to employ an Attorney to call him to an Account in the Exchequer," and that he was so far mistaken, as to think that it " might have been in a short Way, " and at a small Expence."

Since *Woodland's* putting in an Answer, which is above six Years ago, the *Doctor* has " had no Inclination to go on," having since perceiv'd, that the *Forms* of Law are not *short*, nor the *Expence of it easy*.

He assigns also another Reason for his Proceeding no farther, which we here transcribe in his own Words,

CASE VII.

" For,

" For, says he, no single Clergyman is a
 " Match for an interested and contentious Qua-
 " ker, who, tho' he talks loud of Persecution,
 " yet in many Cases feels nothing at all. For,
 " if I am rightly informed, if he be an inte-
 " rested Man amongst them; whenever he has a
 " Demand made upon him for Tithes in a legal
 " Way, he has no more to do than to transmit
 " his Case, represented in his own Way, to the
 " Friends in London, who immediately under-
 " take the Management of it; they have their
 " Agents, and a common Fund ready, so that
 " the Prosecuted is at no Charge."

The Credit of this depends upon the Veracity of the *Doctor's* Informer, who himself seems not rightly informed in the Affair. However, since this Information has disposed the *Doctor* to Peace, the good Effect of it may atone for its Mistakes. That *Brotherly Love* subsists between Friends in London and Friends in the Country, is certainly true; for, 'tis the Nature of their *Christian Testimony* to unite them, and make them ready to assist and serve one another in the faithful Observance of it: But as to the Methods of their mutual Assistance, and how far it extends, the *Doctor's* Prudence will hardly expect a particular Account from us at present.

If *Woodland* did tell the *Doctor* " once with great Unconcernedness, that he knew little of the Matter; for the whole Affair was in the Hands of Friends at London, who managed such Affairs for them;" it shews indeed that *Woodland* could trust his Friends with his Busines, and that he could, in this Case of

Conscience, calmly, and with “ great Unconcern-
“ edness,” submit himself to whatsoever the *Issue*
of the Suit might be: Yet, it doth not shew,
nor has the *Doctor* any just “ Reason” from
thence “ to think,” that “ the Prosecuted is at
“ no Charge,” nor that his “ *Obstinacy* (a
“ * *Nick Name* for *Conscience*) is thus back’d
“ and supported.” This still relies upon the
sole Credit of the *Doctor’s* Informer.

“ Thus, says the *Doctor*, the Matter rests at
“ present.” And thus, if the *Doctor* pleases, it
ever may rest. If, as he says, he has “ no Plea-
“ sure in the Thought of being entangled in
“ Law,” ’tis to be hoped he will not entangle
himself therein by reviving this Suit, the Be-
ginning of which appears to have been unneces-
sary. For, tho’ the *Doctor* mentions “ Injuries
“ he Yearly receives from this Man;” yet it
doth not appear, even by the *Doctor’s* own Ac-
count, that ever *Woodland* did any Thing to pre-
vent the *Doctor* either from taking his *great Tithes* in Kind, as usual, or from recovering his
small Tithes by Warrant from the Justices.
Wherefore we must conclude that all the Incon-
veniences the *Doctor* has incur’d in this Case
are owing purely to his Declension of the more
easy Methods, and having Recourse to an *Ex-
chequer* Prosecution.

Seeing then that the *Doctor* professes, pag.
122, to “ have always treated him (*Wood-
land*) with great Temper;” and “ to have no
“ Enmity

* So the *Doctor* himself explains it, pag. 122, “ Con-
“ science or *Obstinacy*. ”

" Enmity towards him :" " Tis hoped he will for the future shun the Rock he has once split against, and pursuant to the Hint given in the *Country Parson's Plea*, like a " wise Clergyman " for his own Sake," and like a " good Clergy- man in Compassion to his Neighbour the Qua- ker, take the easy and cheap Method pre- scrib'd by the *Acts* of the 7th & 8th of King " William for the Recovery of his Dues."

The *Doctor* lets us know, that *Woodland* is an old Tenant of his, and " has for many Years " rented of him Part of his *Glebe*." Whence we presume, that the *Doctor*, by his due Pay- ment of his Rent, has found him to be *just* and *honest*: And that the *Doctor* will be more *mer- ciful* toward a Man whom he knows to be *just*, than to prosecute him with Rigour for being *conscientious*.

" The Account (pag. 122) from the Records " in the *Exchequer* shews, both by the *Doctor's Bill*, and *Woodland's Answer*, that the Matters sued for, were only certain Species of small *Tithes*, which might have been recovered by the easier Method provided.

We are next to consider the Remarks of the *Examiner* upon this Case, who says, pag. 123, " The Motives of Dr. *Archer's* bringing this " Suit in the *Exchequer*, appear from his own " Account free from those odious Reflections " contain'd in the general Charge." The Motives of the Doctor, in this Case, we have already shewn to have been *ill Advice* and *Mis- take*, through which he was led into a *Suit*,

wherein he hath, from better Advice, and sounder Judgment, forborn to proceed.

The *Examiner* goes on, "The *Doctor* was collated to this Rectory the 8th of October 1726, so that he had for 8 Years together been deprived of many of his Dues before he took this Method; and as his Bill has no Prospect for the first four Years, those may be entirely lost." This we think contradicted by the *Doctor* himself, who says, pag. 118, "Soon after I came to this *Rectory*, which had before been leased out, I was obliged to take my Tithes in Kind :" And, pag. 119, "I received the Tithes of *Hay* and *Corn* which were set out, and some *Wool* and *Lambs*, but of neither, I believe, to the full." The *Doctor* plainly acknowledges the Receipt of those Tithes (tho' perhaps not to the full) which the *Examiner*, in Defiance of his Assertion, supposes may be entirely lost."

The *Examiner* pretends, that "his (the Doctor's) first attempting to obtain them by the Justices Warrant, shews it was not his Choice ;" but, we think, that the *Doctor* in preventing the Service of a Warrant which the Justices had granted him, and which he had given to the Officer, did clearly shew that it was his Choice not to make Use of it.

Whether the *Doctor*'s saying "I was advised to employ an *Attorney*," be a sufficient Warrant for the *Examiner* to say, "He was forced into a Law-Suit," probably the Reader may question. Nor perhaps will he be able to discern how "the Quakers having denied the *Doctor*'s Right

" to a Part of those Tithes," in *Answer to a Bill in the Exchequer*, can prove, that they would not have been recoverable in Case of a Prior Application to the Justices.

The *Examiner* endeavours, pag. 124, to fix an undeserved Imputation upon *John Woodland*, by representing him as having "at first paid his great Tithes," and his Tithes of *Wool* and *Lambs*, so far as they could be discovered," and "conscientiously refusing to pay only what he could conceal;" and again, "The Payment of great Tithes, and of *Wool* and *Lambs*, were voluntary," and thence would infer, that "he acted upon different Principles of Conscience." In all which he attempts an Imposition upon his Reader's Judgment, and to mislead him into an Opinion of *Woodland's* having voluntarily paid what the *Doctor* or his Agents took away from him without his Consent.*

CASE VII.

The

* See the following Answer given to this by *John Woodland himself*, viz.

" In Answer to what is said of me in the Case in a Book intituled, *An Examination of the Brief Account of the Prosecutions of many of the People called Quakers, &c.* I believe, *Henry Archer* the Rec-
tor was not under a Necessity of taking his small Tithes in kind, for had he been content to have taken them, as they were wont to be paid to the late Lessee of the Tithes, *Henry Eve*, I am well assured the other Parishioners would have paid him freely, but being not content with the Custom that had been used, as long or longer than I can remember, he generally for the most Part demands

The Examiner repeats what, he says, "The Doctor intimates, that the Defendant is at no Charge, but is supported therein out of the common Stock," to which he adds his own

CASE VII.

Explication,

" demands a great deal more, of some double, of others treble what they did use to pay for small Tithes, at which they grudge very much, and speak of it as a great Hardship and Imposition. The Reason of my refusing to pay him was not on Account of this Increase in his Demand, but my being conscientiously persuaded that Tithes ought not to be paid now in this Gospel-Day to any being or pretending to be Christ's Ministers. And what is said of my paying great Tithes, and of Wool and Lambs voluntarily, is false, for they were all taken from me by Force against my Will by the said Henry Archer or his Order.

" It is true, as Henry Archer says "the Person who had a Lease of the Living before he came, always took his Tithes from me by Force," because I could not in Conscience pay Tithes voluntarily: But then by what Force was it? Not by perplexing Exchequer Suits, but by distraining by Justices War-rants, and it is to be observed, that the Distresses he so made on me, were for the Whole both great and small Tithes, which he rated on me, and my Father before me, according to the Corn and other Produce he saw we yearly had: Whereas the said Henry Archer hath not only against my Will (and so not by me voluntarily paid) taken, (as he acknowledges) the great Tithes of my Corn, with the small Tithes of my Hay, Wool, and Lambs, but hath also prosecuted me in the Exchequer for yet other small Tithes, as of Hemp, Flax, Milk, Calves, Eggs, Honey, and I remember not what all besides,

Explication, *viz.* " perhaps his calling it a com-
 " mon Fund may admit of a Cavil in the *An-*
 " *sver*, as it seems to imply something which
 " brings in an Income appropriated to that pur-
CASE VII. " pose ;

" besides, for which together he charges me (as he
 " saith) at Two Guineas a Year; which, before he
 " came to the Living, did not use to be demanded
 " otherwise than by its being included among the rest,
 " under the general Term of *small Tithes*: And more-
 " over let it be observed, that the most it hath
 " been charged for great and small Tithes together on
 " the same Lands that I now use in any one Year,
 " from the Year 1712 to the Year 1726, was but
 " 7*l.* 7*s.* 6*d.* and most of the other Years within that
 " Time but 5*l.* odd Money, and 4*l.* odd Money per
 " Year; and since that Time *Henry Archer* hath
 " taken the Tithes (or others for him) from me him-
 " self both great and small, except that for which he
 " charges and served me as above. So that the said
 " *Henry Archer* might, if he had been so minded,
 " have as easily gotten not only the small Tithes,
 " but the great Tithes also, as his Predecessor did,
 " by Justices Warrants, it being far within the Reach
 " of the Acts of the 7th and 8th of King *William* the
 " Third, notwithstanding the *Examiner* labours so
 " hard to shew the contrary.

" As to the one Acre of Glebe Land I hire of the
 " said *Henry Archer*, I think rational and unpreju-
 " dicied Men will readily see and acknowledge the
 " Difference between paying Rent for that which I
 " have a valuable Consideration, and paying of
 " *Tithes*, for which I have no valuable Consideration,
 " and cannot pay for the Reasons above."

The foregoing Answer of John Woodland, is a full
 Confutation of the Examiner's unmerited and unjust Re-
 flections on his Character.

" pose ; but whether they have a Fund, or the
" Expence be born out of the Contributions
" made for Charities, or Sufferings left to the
" Discretion of the *Friends* in the Application of
" it, it makes no Difference."

This *Intimation*, and these *Suggestions*, may, for ought appears to the contrary, be but groundless *Imaginations*: And yet the *Examiner* has the Assurance to tell the *Quakers*, pag. 125, “ It will be expected that they should explain, and justify, if they can, their thus supporting and maintaining *Suits against the Clergy*.” An Expectation altogether vain and irrational. Does he expect that they should *explain* his *Fictions*, and *justify* that which, for ought he knows, never was? But what does he mean by supporting and maintaining *Suits against the Clergy*? Where does he meet with such *Suits*? The Records of the *Exchequer* may furnish him with a Multitude of *Suits against the Quakers*; but we have not yet met with any of theirs against the *Clergy*. ‘Tis absurd in him to expect, that the *Quakers* should shew how far they are innocently concerned in maintaining *Suits* which never were.

" supported ? " Doubtless they had. And yet unprejudiced Chārity induced many others to look upon the same thing as an Evidence of Christian Affection, and to cry out, *Behold ! how they love one another !*

But to be very free and open with the *Doctor* in this Case, (for the *Examiner* don't deserve it) we do believe that *Woodland*, " the *Prosecuted*, has " been at some Charge," and has had no Assistance, nor any Reason to expect Assistance, out of any Common Fund or Contribution whatsoever; we also believe, that the *Doctor*, the *Prosecutor*, has been at some Expence; which may suffice to satisfy the *Examiner*, that not only our " Friend," but the *Doctor* himself " has really suffered :" And we suppose, that if the *Query* " Whether such " their Suffering was for Conscience Sake ? " shall be equally proposed to them both, our *Friend* will answer it better than the *Doctor*.

The *Examiner* is pleased, pag. 125, to form a Rule of *Conscience*, and father it upon us : " The " Rule of *Conscience*, says he, in this Matter " laid down by them is, that a *settled Maintenance* of Ministers is contrary to the *Gospel*." But in this he is not right : For, we don't say that " a *settled Maintenance* of Ministers is contrary to the *Gospel*." What we say is, that a *forced Maintenance* of Ministers is contrary to the *Gospel*. Wherefore his saying, that *Woodland* a rigid *Quaker* come of a Family " of such, did " not scruple to hire the Rector's Glebe, and his " Conscience permitted him to pay Rent for " it," contains nothing inconsistent with our Rule, unless he can shew some Power of Com-

pulsion in the Affair. The Rector's Title to the Glebe is out of the Question, for *Woodland* pays Rent for it in Consideration of his own Occupation of the Land, not of the Rector's Title to it. He pays Rent for the Glebe, because in his Occupation of the Glebe he receives a valuable Consideration for that Rent. But, he refuses to pay Tithes, because he receives from the Rector no valuable Consideration for them ; and because he esteems them forbidden by the Gospel of Christ : Nor can he in *Conscience* agree to pay what is so forbidden. His *Conscience* is not at Liberty by any private *Contract* to dissolve an *Obligation* arising from *Scripture Precept*. But in the Case of hiring Land, which the Scripture does not forbid, his Conscience is free, and he is at Liberty to make a *Contract*, which Contract he is in Conscience obliged to perform.

The *Examiner*, we conceive, mistakes in saying, that “ an Obligation arising from Contract “ has its binding Force from the Law,” because such an Obligation would be equally binding upon the Conscience, if there was no Law. Tho' then a Man's own Agreement may oblige him in Conscience to do what is not forbidden by the Gospel of Christ ; yet, what is forbidden by the Gospel remains “ unlawful in Conscience,” and no Agreement of his can make it otherwife.

We have now considered the *Examination of the Seven Cases*, which the *Examiner* calls “ an “ *Inconsiderable Number* in so large a District in “ the Space of forty Years.” An Observation, which, had he been wise, might have restrain'd him from considering them. But the Severity of

those who made those Methods their Choice is considerable, and merits Restraint, by a Removal of that Choice which they abused. But, says the *Examiner*, “The Parties complaining might, “ and ought to have prevented it by a voluntary “ Compliance ;” which is not true, unless it could be their Duty to do what they believe the *Gospel* has forbidden.

Soon after the first *Examination* of the *Brief Account* was published, in Behalf of the Clergy of the Diocese of London, the Fallacy and Injustice of their Calculations and Remarks, the Evasion and Disingenuity of their Answers and Reflections, and the Falshood and Inconsistency of the Intelligencies by them published, were so fully made appear, that 'twas thought by many, the *Prudence* of the Clergy would have induced them to forbear any farther Enquiry.

But they thought meet to proceed, and have since published several other *Examinations*, the Writers of which (*ut mili mutuo scabiunt*) notably applaud one another : The impartial Reader will best judge how far their Performances deserve it.

The *Brief Account* is a Specification of true Facts; nor have the several *Examiners* hitherto discovered any *Falshood* therein. They have indeed discovered a few Errors either of the Transcripts or the Press, (much fewer than ordinarily are in a Composure of this Nature) and have *disingenuously* dwelt upon them. They have stoop'd so low, as from a single Mistake of the Press in one Case, to asperse all the rest with a General Imputation of *Falshood*, when yet 'tis apparent

from the Nature of those Cases, that they are altogether distinct and independent of one another, and a Mistake in any one of them cannot possibly affect any other of them, being Accounts of different *Facts* received from as many distinct and different Relators.

In the *foregoing Sections* we have endeavoured to shew the Weakness of the *Examiner's* general Reasoning ; and in *this*, the Insufficiency of his Objections to the Particular Cases, by which it appears, that in

C A S E I. The Imprisonment of *John Love*, and the Value of the Demand, are undeni-
able, nor is there the least Pretence that the Pro-
secutor did at all apply to the Justices for the Recov-
ery of his Claim, though very small, being not
above 10*s. per Annum* by his own Bill in the
Exchequer.

C A S E II. Is neither disproved, nor di-
rectly denied ; but evaded by a Denial of another
Thing than what we asserted.

C A S E III. Is fully confirm'd, both as to
the Certainty of the Prosecution, and the Value
of the Demand, by a Person, who, the *Exami-*
ner himself acknowledges, will neither "conceal
nor disguise the Truth."

C A S E IV. Is rather confirmed, than dis-
proved, by the *Examiner*, in shewing us, that the
same Clergyman did prosecute the same *Quaker*
many Years before.

C A S E V. Is expressly confirmed by the Prosecutor's own Son, and the utmost Demand, even in the *Exchequer Bill* it self, was less than 40 s. *per Annum* from any one of the Persons prosecuted.

C A S E VI. The Prosecution appears to have been for a Parish Clerk's Wages, in which, if not recoverable by the Acts, the Iniquity of the *Ecclesiastical Court* is aggravated, in worrying the King's faithful Subjects for Claims recoverable by no Law or Statute of the Land.

C A S E VII. The Prosecution was only for small Tithes, as appears by the *Exchequer Bill*; and when the Prosecutor applied to the Justices for Part of those Tithes, they readily granted their Warrant, which he was prevailed upon to lay aside, and afterward had Recourse to the *Exchequer*: A Method he has since with good Reason declined to proceed in.

" I doubt not, says the *Examiner*, pag. 131
 " but many of them (the Quakers) have a bet-
 " ter Sense of Justice, and common Honesty,
 " than the Principles which have been laid
 " down, and which I have examined, are con-
 " sistent with." But he has not shewn wherein
 those *Principles* are inconsistent either with *Jus-*
tice or *Honesty*. The *Quakers* esteem the Prin-
 ciples he opposes, to be founded on the *Precepts* of
 Christ, and the *Doctrine* of his Gospel, who ne-
 ver enjoyed any thing inconsistent with *Justice*
 and

and *Honesty*. Let him demonstrate the Justice of his Claim to Tithes, by proving it consistent with *Christ's Precepts*.

He adds, “ They have the Freedom of serving God in their own Way.” A Blessing for which they are thankful to God and the Government: But the *Examiner* will scarce persuade them to think, that the Compulsion of **TITHES** from them, to maintain those who are hired to serve God in another Way, is any Part of that Freedom.

He proceeds, “ But their Duty toward their Neighbour must be governed by the Laws of the Land.” Does the *Examiner* think that our Christian Duty toward our Neighbour is as alterable and repealable as an Act of Parliament? Does he intend to supersede all Obligation to Scripture Precept in this Point? There are certainly a Variety of Rules in the *New Testament* respecting our Duty toward our Neighbour. ’Tis possible the Laws of the Land may at some times interfere with or contradict the Precepts of the Gospel in this Case: What must we do then? The *Examiner* in such a Case, (and such a Case we take that of Tithes to be) must either admit an Exception to his General Rule, or exalt the Authority of *Human Ordinances* above that of the Divine Precepts.

His Instance of those of the *Episcopal Communion* in *Scotland* paying Tithes, is not parallel to that of the *Quakers* in *England*; unless he can shew, that they have the like Scruple of Conscience as the *Quakers*. However, the forced Maintenance

Maintenance of Ministers by Law is no more Evangelical in *England*, than 'tis in *Scotland*, or any other Country.

The Conclusion.

WE have in the foregoing Sections traced the *Examiner's* Performance Step by Step, and have endeavoured to shew,

THAT the *Principles* of the *Quakers*, which he opposes, are founded on the Precepts of Christ and the Doctrine of the Gospel; do most effectually establish the publick Security; and are injurious to no Man's Property.

THAT their *Plea of Conscience*, against the Payment of Tithes, is both *Christian* and *Protestant*.

THAT the Clergies *legal Claim* to Tithes doth not necessarily infer a rightful Property in them.

THAT the over-ruling a "Plea of Conscience" by mere *Force of Law* has been the Practice of all Persecutors for Religion.

THAT the original Donations of Tithes in this Nation proceeded from the Gross Superstition and false Doctrines of the Church of *Rome*.

THE END

T H A T the Superstitious Uses and Services for which they were given, are justly rejected by all true *Protestants*.

T H A T the Delusion and Craft, which *Romish Priests* exercised to deceive the People into those Donations, sprung from their Covetousness, and their Breach of “the Command of God in the Decalogue,” *Neither shalt thou covet any thing that is thy Neighbour’s.* Deut. v. 21.

T H A T the *Examiner* has not reconciled the forced Maintenance of Ministers by Tithes, with “the Precepts of Christ.” *Freely ye have received, freely give.* Mat. x. 8. *Eat such things as are set before you.* Luke x. 8.

NEITHER hath he reconciled the Clergies Exemption from Labour, with “the Practice of the Apostles,” who *wrought with Labour and travel Night and Day that they might not be chargeable to any.* 2 Thess. iii. 8.

NEITHER hath he shewed, that the “first Principles of natural Justice” intitle one Man to the Fruit of other Men’s Labours, without any valuable Consideration received.

NEITHER has he proved, that “the most ancient Laws of the Land” are always the most righteous.

NOR that *Superstition*, “derived down to us through successive Ages,” doth become true “Religion;” Nor, that the “confirming and enforcing by the Legislature upon our early Reformation from *Papery*” the *Papish* Pay which had been given for *Papish* Uses and Services, was any Part of that Reformation.

NEITHER

NEITHER has he shewn, that the " Nature of " Gospel Liberty requires the Confirmation " and enforcing of any such Pay :" NOR has he shewn, that the Novelty and Singularity of the Quakers in refusing to pay Tithes proceed from any other Cause than that of Obedience to Gospel-Precept being too much out of Fashion, which nevertheless may be their Duty.

NONE of all these things has the *Examiner* done, and yet the doing any *One* of them would have been of more Service to the Cause he espouses, than any thing he has done. But 'tis hard to kick against the Pricks. *Acts ix. 5.*

" The Prosecutions, Excommunications, Attachments, Writs of Rebellion, Imprisonments, Sequestrations, and Seizure of Goods," which some of the Clergy have procured against the Quakers, are " convincing Proofs," that the Spirit of Persecution is not utterly extinct ; and that the Property of the Subject is not sufficiently guarded from the destructive Purposes of those, who, in Contempt of the moderate Laws of the present Government, are needlessly reviving old Severities, and abusing the Name of the Clergy by defending Practices which reproach their Character.

And this Usage the Quakers meet with, not only from the Clergy ; but, because they can't think the Superstition of Tithes removed by transferring them, they are in like Manner treated by the Lay-Impropriator ; and likewise by some Churchwardens for their Rates. Thus by unnecessary Prosecutions, Men of Contentious Dispositions,

sitions still continue to vex the conscientious, and to oppress the Fatherless and the Widow.

Suits of this Nature being plain Indications of more Rigour than the Clergy concerned in them are willing to own, they have attempted to lay the *Odium* of their Proceedings upon the Courts of Justice; and to cover their own Severity by *dishonourably* imputing it to the *Processses* and *Decrees* which their unnecessary Recourse to those Courts obliged them to issue.

But the whole of the Proceedings being purely the Effect of their own Choice, they seem to be left without Excuse: While *wild Notions* of transmuting *Popish Superstition* into *Protestant Property* mislead them to accuse those of *Pride* and *Covetousness*, whom *Purity* and *Conscience* oblige to testify against such *dangerous Mistakes*.

Proceedings of this Kind, whereby conscientious Persons suffer in their Civil Rights and Property, only for withstanding *Ecclesiastical Impositions*, do nearly resemble Persecutions: And those Persons seem to be no good Friends to *Liberty of Conscience* and the *Toleration*, who by preferring former Severities to the Moderation of later Laws, express their contemptuous Esteem of the *Justice and Lenity* of the Present Administration.

That the Power of the Law should be abused to oppress a *Meek, Quiet, and Peaceable People*, is to be lamented: And that such Oppression should be pleaded for as necessary to the Support and Maintenance of Christian Ministers, has been and is Matter of Surprize to generous Minds.

The

The Brief Account, presented to the Consideration of the MEMBERS of both Houses of PARLIAMENT, is a Collection of Instances of such Oppressions, specifying both the Suits and Causes of them, which Suits, whether brought by Clergymen, Lay-Impropriators, Tithe-Farmers, or Churchwardens, come alike within the Reasons assigned for the Quakers conscientious Scruple, and the Claims were alike recoverable by the Acts of 7 and 8 of King William III. Such Parts of that Account as the Clergy hitherto have taken Notice of, we apprehend, have undergone an Examination neither to its Discredit, nor to their Honour.

And tis observable, that a Multitude of Instances in that Account, are Instances of the Oppression and Injustice of the Prosecutor: And what will doubtless appear shocking to most Readers, they have frequently, not only purposely omitted an easier Method of recovering their Claim, but also expended Ten; Twenty or Thirty Pounds, or more, to purchase the *dear-bought* Satisfaction of distressing and imprisoning their Neighbours; and that, not for *just Dues*, but for Claims, which have neither Contract, Equivalent, nor any reasonable Consideration to support them, but are mere Pretences of *somewhat* due for *nothing done*.

Their Example, if followed by others, would not only be ruinous to private Families, but would nearly affect the Publick Good, would be destructive of all Trade and Commerce, and tend to the Subversion of Property. Should the Law favour the Farmer, the Tradesman, the Merchant,

in making Claims upon Men for nothing, either done, or delivered, there must be an utter Stagnation of Commerce: All Industry would be in vain; as indeed that of the poor Farmer too often is, who when he hath laboured hard all the Year, and been at great Expence, is sometimes obliged to surrender to the Priest the whole Profit of his Crop, while his Family fares hard, and his just Debts are unpaid. This, though very hard, must be submitted to, for fear of somewhat harder, viz. the *Expence* of a *Law-Suit*, and the Danger of a Goal: Terrible Trials, which yet have been pass'd through, with Patience and Peace of Mind, by those whose Consciences, rightly inform'd, have been concern'd in Sincerity and Truth to testify against the yet remaining Relicks of *Popery* and Superstition.

That a Justices Warrant is an insufficient Remedy, appears to be no more than an empty Pretence of those who never try'd it.

If that Person, who in Cases of religious Scruples of Conscience, chuses to prosecute Men with the utmost Severity in his Power, is not to be charged with Cruelty, we know not who is. Nor do we think that there can be a more manifest Breach of that great Rule of Morality enjoin'd by Christ himself, *Whatever ye would that Men should do unto you, do ye even so to them,* than such a Prosecution.

The *Brief Account* is a plain Narrative of Facts taken from credible Memoirs of those who were Eye and Ear-Witnesses of those Facts. The Persons Names therein attend their Actions, which, if

if good and virtuous, intitle those who did them, to deserved Commendation : But if the Action related be Blame-worthy, the Blame arises from the *Deed done*, not from the Relation of it, which may be as just and true as if the Fact were better. Plain Truth offends not him *that doth Truth*: He seeks no Corners, but *cometh to the Light*, and delights in Sun-shine. But, “ There is, (says Archbishop Tillotson) a twofold Discovery of their Actions which bad men are afraid of. They are afraid they should be discovered to themselves, because that creates Trouble, and Uneasiness to them ; and they are afraid they should be discovered to others, because that causeth Shame.”*

How the *Quakers*, soliciting for Relief from unnecessary Prosecutions, can tend to “ distress the Administration,” the *Examiner* has not explain’d : His † connecting the “ Security of the State” with “ the Property of the Clergy,” shew

* *Sermons in Octavo, Vol. 13, pag. 365, Edit. 1703.*

† *The Policy of the Clergy in thus attempting to mingle Interests and Powers with the Civil Magistrate, is well described by William Dell, who, in the Preface to a Sermon of his intituled, Right Reformation, preached before the House of Commons, Nov. 25, 1646. says,*
 “ And here I would desire you to take Notice of the Working of the Mystery of Iniquity from the Head to the very little Toes of the Man of Sin : At first you know the Pope interested himself in the Empress and Powers of the World, (for his own Advantage and Support, no doubt, rather than for theirs) after, the Prelates successively said to worldly Kings

shew that the Clergy are as much oblig'd to him in the End of his Book, for placing their Duty and Submission to the Government in an advantagious View, as they were in the Beginning of it.

The List of Imprisonments annexed to the Brief Account shews the extream Severity of the Prosecutors; and the Magnanimity and Patience of the Sufferers, who preferred Peace of Conscience

“ Kings, Lend us your Power, and we will lend you ours: Let our Spiritual Power deal in Temporal Things, and your Temporal Power shall deal in Spiritual Things: And still the Clergy-Power (which call'd it self Spiritual) so linkt it self with the Temporal, that the Power that was not of God, might be upheld by the Power that was of God, and having got this Advantage, they cried Destroy one, Destroy both; and so the Prelates were wont to say, No Bishop, No King. And their Successors in the Kingdom of Antichrist still cry, No Minister, No Magistrate; and so still mingle Interests and Powers with the civil Magistrate; that under the Magistrate, the Power of God, they might cunningly shrowd that Power that is not of God. And thus they, still under the Name of the Magistrate, seek themselves, and the drawing of that Power that is only his, from him to themselves, to whom it doth not belong: Being in the mean Time really against Magistracy, farther than it is serviceable to their own Ends. Whereas, we reckon Magistracy, not less Magistracy, no less the Ordinance of God, though we suffer under it, and by it.

“ This Clergy-Antichristian Power, wherever it is, will still sit upon the Power of the Nation; the Power of Antichrist so domineering over the Powers of the World, that none but the Power of Christ can cast it off.”

Science to all worldly Considerations : For which Christian Behaviour, they are treated by the Examiner, in like Manner as Confessors and Martyrs for the Truth in all Ages were, by those who caused them to suffer.

" *Injuring the Living*," as the Inflictors of those Imprisonments did ; and " *asperfing the Dead*," as the Examiner does those who died in the Faith under such Imprisonments, are by his own Confession, " Practices disagreeable to " *Human Society*," and " far from the Nature " of true Religion ;" nor is it easy to reconcile such Practices with *Christian Charity*.

That Men of persecuting Dispositions express great Uneasiness at the *Brief Account*, is no other than might reasonably be expected ; because it carries a severe Reproof to such Tempers, and affects such Men's Reputation. * Now " Reputation, (says Archbishop Tillotson) is a tender Part, which few Men can endure to have touched, tho' never so justly ; and therefore no Wonder if bad Men be impatient of that Truth which lays them open to the World, and do by all Means endeavour to suppress and conceal it from themselves and others." For + Truth (says he) carries great Evidence along with it, and is very convincing, and where Men will not yield to it, and suffer themselves to be convinc'd by it, it gives them a great deal of Disturbance : *Gravis male Conscientiae lux est*, says Seneca, *Light is very troublesome to a bad Conscience*, for it shews Men

* Vol. 13, pag. 370. + Ibid. pag. 367, 368.

" Men their Deformities whether they will or
" no ; and when Men's Vices are discovered to
" them, they must either resolve to persist in
" them, or to break them off, and either of these
" is very grievous." Hence it is, that *Every one*
that doth Evil hateth the Light, neither cometh
to the Light, lest his Deeds should be reproved,
John iii. 20.

A N

APPENDIX.

TH O' the Force and Power of *Truth* have so far prevail'd upon the *Clergy*, as to lay aside, for the present, their old Pretence of a *Divine Right to Tithes*; a Pretence no longer susceptible, than while *Darkness cover'd the Earth, and gross Darkness the People*:

Yet, by declining to renounce a *Plea*, which they are unable to maintain, they discover a Disposition, when Opportunity shall offer, to re-assume it.

They are now pleas'd to rest the Weight of their Cause upon another *Basis*, equally insufficient to support it, viz. *A Pretence of Property*, grounded on the *Laws of the Land*:

But they seem not duly to consider, that the *Laws* themselves, in this Case of *Tithes*, are grounded on a mistaken Supposition of their being antecedently due by *Divine Right*: Upon which it hath been justly observed, that

“ * A certain Order of Men once cry’d up
 “ the *Divine Right* of Tithes, and enlarg’d
 “ upon the Sin of Sacrilege, in with-holding
 “ what was due to God and holy Church. This
 “ induced the easy Superstition of our Ancestors
 “ to make Laws enforcing the Payment of them
 “ on Supposition of their being so due.

“ We now see, that the fallacious Plea of
 “ *Divine Right*, on which those Laws were
 “ founded, is laid aside; and the *Laws* are ur-
 “ ged as the Ground of that Claim to which they
 “ gave their Sanction upon another Foundation.

“ Thus was Superstition induced to grant a
 “ Law to inforce the supposed Commands of the
 “ Gospel, and when upon closer Consideration
 “ no such Commands appear, the *Law* alone is
 “ argued as sufficient to support that Claim,
 “ which, if the *Gospel* does not give a Right to,
 “ has none at all.”

That the Reader may have the clearer *Idea* of
 the oppressive Nature of this pretended Property
 in Tithes, we have thought fit to annex, by way
 of *Appendix* to this *Vindication*, the following
 Pages, transcribed from a Book, intituled, *The*

Husbandman’s

* See the *Vindication in Answer to the Churchmen of Hereford*, pag. 34.

Husbandman's *Plea against Tithes*, published in
the Year † 1647, wherein

This P R O P O S I T I O N,

That Tithes are an Oppression to the Husbandman, a Burden too heavy for him to bear, and undoeth many, is clearly proved.

" Now for the clearing of this *Proposition*,
" concerning the Oppression of Tithes, we must
" first understand what is meant by INCREASE,

" Whether it be meant of the clear Gain that
" comes unto the Husbandman, his Stock and
" Labour being deducted out of his Crop of
" Corn ; as the Tradesman, by the *Statute* of
" 2 Edw. VI. is to deduct his Stock and Charge,
" and then to pay but the Tenth of his clear
" Gain : Or, as all Persons called *Spiritual*, as
" Bishops, Parsons, and the like, were appointed
" by a *Statute* made in the 26th of Hen. VIII.
" to pay Tenth or Tithes to the King.

" They by that *Statute* were appointed to pay
" but the Tenth of their clear Gain or Income
" by Tithes, or other Profits of Rents that they
" received for their Land, all their Charges are
" to be deducted, even the Stewards, Bayliffs,
B b 2 " and

† This was before the Name Quaker was known ;
and shews that more early Protestants labour'd under a
Sense of the Romish Oppression of Tithes.

" and Receivers of their Rents, their Wages and
" Fees shall be deducted by that Statute.

" And there is as good Reason that the
" Husbandman's Stock and Charges should be
" deducted out of his Crop of Corn, for the
" Preservation of his Stock for his continual
" Maintenance ; and for the Husbandman to
" pay but the Tenth of his clear Gain, if he
" have any : The Oppression would not be so
" great as it is, if the clear Gain or Increase be
" enough to maintain the Husbandman com-
" fortably without diminishing of his Stock.

" If INCREASE be not thus taken for the
" Husbandman, as for the Tradesman, and
" Bishops, and Parsons, before named in the
" aforesaid Statute of 26 Hen. VIII. and 2 Edw.
" VI. then there is not an equal Distribution of
" Justice to the Husbandman in this Law of
" Tithes, as to the Tradesman, and Others,
" before-mentioned.

" But, under the Pretence of *Increase*, there
" is taken from the Husbandman the Tenth of
" his Stock and Year's Labour every Year, by
" taking the Tenth of his Crop (in which his
" Stock and Year's Labour lies) under the spe-
" cious Name of Tithes or Tenth of Increase,
" as if his Crop of Corn were all Increase or
" clear Gain.

" If INCREASE be thus taken, then it is im-
" possible to be performed by any Husbandman,
" without

" without the great Oppression of him, and
 " the utter undoing of many, as daily Experience
 " sheweth,

" And thus to take the Tenth of the Hus-
 " bandman's Stock, and Year's Labour, is Op-
 " pression, Cruelty, Tyranny, and a Sin against
 " the Sixth and Eighth Commandment, it being
 " considered in several Respects, yea, against
 " the Law of Nature, or sound natural Reason ;
 " and in the Breach of the Rules of Reason,
 " Man is least excusable before God and Man :
 " And a Man may as soon make another Uni-
 " verse, as make this Law of Tithes any other
 " than a Breach of the moral Law of God and
 " Nature.

" Our Parsons it may be think, that the Hus-
 " bandman may spare the Tenth of his Crop as
 " easily as they may spare the Tenth of their
 " Tithes, that they receive of the Husbandman,
 " that costs them nothing but the Carrying in-
 " to their Barns ;

" But herein they are grossly deceived, or
 " wilfully blinded ; for the Husbandman lays
 " out his Stock and Treasure in Corn, as any
 " Merchant or Tradesman lays out his Stock or
 " Treasure in any Merchandise or Wares what-
 " soever.

" As for Example ; A Man cannot set a
 " Crop of Wheat upon one Acre of Ground
 " under forty Shillings, where the Land is worth
 " but

“ but five or six Shillings per Annum by the Acre :
 “ And in those Places where the Land is worth
 “ ten Shillings, or sixteen Shillings, or twenty
 “ Shillings per Annum by the Acre, a Man can-
 “ not set a Crop of Wheat under 3*l.* or 4*l.* and
 “ in some Places 5*l.* upon one Acre of Land that
 “ is let at those Rates ;

“ And the Husbandman waits a Year and an
 “ half for the Return of some of it, and a Year
 “ for the Return of the rest of it ; and many
 “ Years within the Term of 21, the Husband-
 “ man’s Stock so laid out returns none *Increase*,
 “ but decreases sometimes after the Rate of 5*l.*
 “ sometimes 10*l.* or 12*l.* in the *Hundred*.

“ And this we can prove by diverse Instances,
 “ of Men that have lost of their Stocks (laid out
 “ in their Crops) after that Rate, and yet no
 “ Fault in the Husbandman, either for want of
 “ Skill or Diligence in his Calling : And some
 “ do so every Year in one Place or other of this
 “ Kingdom, and yet the Tenth of the Hus-
 “ bandman’s Crop is taken from him Yearly,
 “ without any Consideration of his Losses :

“ And the Parson hath no sooner taken the
 “ Tenth of the Crop, but the Nine Parts of the
 “ Husbandman’s decayed Stock is again to the
 “ Parson like the Bull or Cow that *Job* speaks
 “ of ; *Job* xxi. 10. The wicked Man’s *Bull*
 “ gendereth and faileth not ; his Cow calveth and
 “ casteth not her Calf :

“ Even

" Even so doth the Remainder of the Husbandman's decayed Stock ; presently it gendereth again, and faileth not to bring forth another Increase to the Parson the next Year, though with as much Loss to the Husbandman as before, and the Ministers and Impropriators, like the *Egyptian Task-masters* spoken of *Exod. v. Vers. 6, 7, 8.* exact the full Number and Tale of our Brick, *we mean,* the full Tenth of the Husbandman's Crop, and give not so much as Stubble or Straw toward the making of it ;

" Yea ; although that the Husbandman's Stock be always barren to himself, yet it hath as fruitful a Womb to the Parson, as is the Womb of a certain Kind of Coneys, of whom *Pliny* speaks in the 8th Book of his *Natural History*, which after it be once with Young, it conceiveth again upon it, insomuch as at one Time she hath some Leverets sucking of her, others in her Belly, and those not of the same Forwardness ; for some of them are covered with Hair, others naked without any Down, and there be of them that are not shapen at all, but without Form :

" Even so, the Husbandman's Stock is always with Young, breeding, and bringing forth one Kind of Tithe after another ; and always it hath some Kind of Tithes sucking upon it : For after the Husbandman's Stock hath brought forth *Tithe-Hay*, and *Tithe-Corn*, the like *Tithe-Hay* is breeding again, tho' not yet formed

" formed ; and the same *nine Parts of Hay* and
 " *Corn* hath some young Ones, not of the same
 " Forwardness, but one after another ;

" And *Tithe-Calves*, that grow of those Ali-
 " ments that arise of the same *nine Parts of Hay*
 " and *Straw* that have been Tithed the same
 " Year ;

" And as soon as the *Calves* are taken from
 " their *Dams*, then *Tithe-Milk*, that ariseth
 " from the same *nine Parts of Hay* and *Straw*
 " that have been Tithed before :

" And *Tithe-Piggs*, several Times in the
 " Year, arising out of the same *nine Parts of Corn*
 " *Corn* Tithed before :

" And likewise *Tithe-Eggs* and *Tithe-Chickens*,
 " that arise out of the same *nine Parts of Corn*
 " that hath been Tithed before :

" Also *Lamb* and *Wool* arising partly from the
 " same *nine Parts of Hay* Tithed before, for the
 " *Sheep* are kept in the *Winter* with the *Hay*
 " that hath been Tithed before :

" All which *Tithes* before-mentioned is as bad,
 " if not worse, than Use upon Use after the Rate
 " of 10*l.* in the Hundred : As if a Man should
 " lend another Man 100*l.* and bind the same
 " Man to whom he lends it to give the Lender
 " 10*l.* for the Use of the 100*l.* and 20*s.* for the
 " Use of the 10*l.* the same Year.

" And

" And thus Tithes eat up and consume the Husbandman's Stock and Estate, by taking the Tenth of his Stock employed in his Crop of Corn, in taking the Tenth of the Crop every Year, and Tithing his Stock twice or thrice every Year:

" And many of our Ministers and Impropriators, when they have gotten away the Husbandman's Stock, and brought him to Poverty and Beggary, then they cast upon him this or the like Reproach, and say, *he was an idle Fellow, and unskilful in his Calling*; when indeed, the Truth is, the Husbandman, whose Stock they have eat up and consumed by Tithes, was more skilful in his Calling, than the Minister that eat him up was in his Calling, and for Diligence there is no Comparison: And many Impropriators have no Calling at all, but live idly upon the Sweat of other Men's Brows, and eat the Bread of other Men.

" The Oppression of Tithes will better appear by this ensuing Demonstration:

" It is a sure and true Rule amongst the Husbandmen, that understand the Mystery and Calling of Husbandry, that the Stock that the Husbandman must bring to stock a Farm that consists of Tillage, must be the Fourth Part of the Purchase of the Land, after the Rate of Twenty Years Purchase, of what yearly Value soever the Farm be:

" As for Instance: In a Farm of 100*l.* Rent
 " per *Annum*, he that will rent that Farm, must
 " bring a Stock of the Value of five Years Pur-
 " chase, that is 500*l.* for with a less Stock he
 " cannot stock a Farm of the Rent of 100*l.*
 " per *Annum*.

" And 350*l.* thereof is laid out in the Crop
 " of Corn every Year in Rent, Seed, Plowing,
 " and other Labour in digging of the Ground,
 " Weeding of the Corn, and cutting of it at
 " Harvest, and gathering it together to make it
 " ready to be carried into the Barn ; and is but
 " so much Money laid out in Corn, as any Mer-
 " chant or Tradesman lays out so much Money
 " in any Merchandise or Wares whatsoever.

" And 80*l.* thereof is laid out in Horses,
 " Harness, Ploughs, Carts, and other Implements
 " of Husbandry, and the Use of them is employ'd
 " in tilling and preparing of the Land for the
 " Crop of Corn, and they wear out and are con-
 " sumed in their Use, and must be renewed out
 " of the Increase of the Crop of Corn if there
 " be any, or else the Wearing out of them will
 " wear out his Stock in Time.

" And 40*l.* must be laid out in Cows, Sheep,
 " and other Cattle, and the greatest Profit of
 " them is spent every Year by the Husbandman,
 " whilst that he is preparing and tilling of the
 " Land for the Crop; and many times the Hus-
 " bandman

“ bandman loses in a Year (in many Places of
 “ this Land) 20*l.* and more, by Sheep that die
 “ of the Rot, and other Casualties, yea, as soon
 “ sometimes as the Parson hath taken the Tithe
 “ of the Wool and the Lamb : And in many
 “ Places of this Kingdom, where the Land lies
 “ in common Fields, and cannot be let lie to
 “ gather Heart, by reason that it must be con-
 “ tinually tilled, the Husbandman in those Pla-
 “ ces cannot be without a Flock of Sheep for
 “ the Fold, to Dung his Ground, and the Flock
 “ of Sheep (if as aforesaid dead of the Rot, or
 “ other Casualties) must be renewed out of the In-
 “ crease of the Crop of Corn if there be any ; or
 “ else the Husbandman in those Places will soon
 “ come to Poverty, as many Men in those Places
 “ have done, by the Loss of their Flock of Sheep,
 “ their Crop not increasing enough to buy Sheep
 “ again, by reason that the Tenth thereof is
 “ taken for the Tithes every Year.

“ And there must be 30*l.* laid out in Utensils or necessary Things in the House, which
 “ wear out many of them in their Use, as Linen,
 “ Bedding, Brads, Pewter, and all Kind of Coopers Ware ; and these also must be renewed out
 “ of the Increase of the Crop of Corn, if there
 “ be any.

“ And thus the 500*l.* Stock is laid out in the
 “ several Sums aforesaid, viz.

	L. s. d.
" In the Crop. —	350 00 00
" In Horse, Harness, Ploughs,	}
" Carts, and other Imple- } ments of Husbandry.	80 00 00
" In Cows and Sheep. —	40 00 00
" In Household Stuff. —	30 00 00
	<hr/>
Sum Total.	<hr/> <hr/> 500 00 00

" And this Rule of laying out a Stock of 500*l.*
 " in a Farm that consists of Tillage, will hold in
 " most Places in this Kingdom, except in those
 " Places where the Land lies in three Parts in
 " Common Fields, there will be something less
 " laid out in the Crop, and some Implements of
 " Husbandry; but then there must be more laid
 " out in the Flock of Sheep, with the Charge of
 " keeping a Shepherd to follow, and fold them,
 " to keep the Ground in Heart, and they must
 " be upheld by the Crop, and so reckoned in it.

" And if the Crop be well considered, there is
 " not one Year in seven, that the Crop of Corn
 " (upon ordinary Land that hath been kept in
 " Tillage) is worth any more Money at Harvest,
 " than that Part of his Stock aforesaid laid out in
 " the Crop, if the Husbandman be but paid for
 " his Labour, as he pays the Day-Labouring-
 " man for his Labour: If the Crop be worth so
 " much, the Husbandman is glad, and gives

" God

" God Thanks that he has blessed his Labour so
 " well: The Crop is oftner les worth than
 " more.

" And there is not one Year in Ten, that the
 " Crop of Corn of ordinary Land in any Farm
 " is worth so much more, besides his Stock laid
 " out in the Crop as aforesaid, as the Tithe
 " thereof comes unto, and yet the Tenth of the
 " Crop is taken from him without any Considera-
 " tion, whether his Stock have increased or de-
 " creased in the Crop.

" If the Crop be worth no more than the
 " 350 l. laid out in it as aforesaid, yet the Par-
 " son's Tithe will be worth 35 l. for he hath
 " the Tenth of all the Crop, and this 35 l.
 " is above the third Part of the Year's Rent of
 " that Farm: Then by this Account the Hus-
 " bandman hath taken from him by the Minis-
 " ters or Impropriators, the Sum of 35 l. of his
 " Stock, and his Stock is decayed 35 l. although
 " he has played the good Husband, and hath had
 " the Blessing of God upon his Labour, in an or-
 " dinary Way of God's Providence on the Fruits
 " of the Earth. And thus in few Years the Par-
 " son's Tithe eats out and consumes the Hus-
 " bandman's Stock.

" And if the Husbandman's Crop be not
 " worth so much by 50 l. as the Stock or Charge
 " that he hath laid out in it (as many a Year
 " within the Term of Twenty One it is not) yet
 " the Parson's Tithes will be worth 30 l. Then by
 " this

“ this Account, the Husbandman has lost 50 £.
 “ by his Trade of Husbandry, and he hath taken
 “ from him 30 £. more of his decayed Stock,
 “ which being put together makes 80 £. which
 “ is almost the fifth Part of his whole Stock, that
 “ he has lost by his Crop of Corn in one Year,
 “ besides his Tithe-Wool and Lamb, and be-
 “ sides other Losses that may fall out the same
 “ Year, and besides the wearing out of his Im-
 “ plements of Husbandry, that require yearly
 “ renewing.

“ And if some few Years prove unseasonable,
 “ the Husbandman is by this means of Tithing
 “ bereaved of the greatest Part of his Stock ;
 “ and so, by this Means, in few Years utterly
 “ undone.

“ And this we can prove by diverse Instan-
 “ ces of Men that have been thus undone, and
 “ yet no Fault on the Husbandman’s Part.

“ But suppose the Husbandman’s Crop (after
 “ one such Year’s Loss) should prove for Ten
 “ Years together as well as can be expected ; yet
 “ the Husbandman shall never recover that one
 “ Year’s Loss in that Ten Years, but live in
 “ Want and Misery in that Farm, by Reason
 “ that the Tenth of his Stock and Labour is
 “ taken from him yearly under the Name of
 “ Tithes.

“ But

" But suppose that the Husbandman's Stock,
 " with his Labour and diligent Care, should in-
 " crease every Year after the Rate of ten Pounds
 " in the Hundred : How stands it with the Jus-
 " tice of the Moral Law of God, and the Law
 " of Nature, or sound Natural Reason, that ano-
 " ther Man, whether Minister or Impropiator,
 " should carry away every Year, all the Increase
 " of the Husbandman's Stock and Labour, that
 " he hath laboured for all the Year, and laid out
 " his Stock or Treasure in his Calling, hoping
 " for some Gain or Increase ?

" The Husbandman by this Means of Tithing
 " is in no possibility of increasing his Talent or
 " Stock, to lay up any thing for his Wife and
 " Children, as the Order and Duty of Nature
 " requires him. Gen. xxx. v. 30. And Jacob
 " said unto Laban, but now when shall I provide
 " for mine own House also ? And the Apostle
 " faith, I. Tim. v. 8. But if any provide not
 " for his own, and specially for those of his own
 " House, he hath denied the Faith, and is worse
 " than an Infidel. And is not the Means itself,
 " when provided, taken from them by the Mi-
 " nisters and Impropiators under the Name of
 " Tithes ?

" Nay, although that the Husbandman's Stock
 " with his Labour do increase every Year after
 " the Rate of Ten Pounds in the Hundred, yet
 " by this Means of Tithing, there is not only
 " taken from the Husbandman all the Increase
 " of

" of his Stock, and Year's Labour, but also
" some of the Stock it self. As for Example;

" If the 350 l. aforesaid laid out in the Crop
" do increase 35 l. that is to say, that the Crop
" of Corn be worth 35 l. more than the 350 l.
" aforesaid laid out in the Crop of Corn, which
" 35 l. is the Increase of 350 l. after the Rate of
" ten Pounds in the Hundred ; then by this Ac-
" count the Crop of Corn must be worth 385 l.
" and the Tenth of 385 l. is 38 l. 10 s. which
" the Parson, (whether Minister or Impropria-
" tor) takes for Tithes, for he hath the Tenth of
" all the Crop wherein the 350 l. Stock and the
" 35 l. Increase lies. Then by this Account the
" Parson, (whether Minister or Propriator)
" takes 35 l. which is all the Increase of the
" 350 l. aforesaid (laid out in the Crop) and 3 l.
" 10 s. of the Husbandman's Stock laid out in
" the Crop of Corn as aforesaid.

" And so by this Means of Tithing, the Hus-
" bandman's 350 l. Stock laid out in the Crop of
" Corn is come to be but 346 l. 10 s. and so there
" is 3 l. 10 s. lost of the Husbandman's Stock.

" O Viperous Brood, Tithes, that eats out the
" Bowels of the Dam that breeds it, we mean,
" the Husbandman's Stock, every Time that it
" is delivered of Tithes !

" He that shall deny this aforesaid Demon-
" stration (of Tithing) to be true, must deny his
" own Reason, and every understanding Hus-
" bandman's

" bandman's Experience. And he that doth
 " think to make Men to believe, against sound
 " Reason, and true Experience, must go seek
 " out another World of Men to beget such a
 " Kind of Faith in. . .

" Is it not worse than Usury to take 10*l.* in
 " the 100*l.* not for lending an 100*l.* of his own
 " Money ; but the Parson (whether Minister or
 " Impropiator) in taking of Tithes, takes 10*l.*
 " in the 100*l.* of another Man's Money, and the
 " * Impropiator gives nothing at all to him that
 " he takes it of.

" To take *Ten Pounds* for the Loan of
 " 100*l.* (of a Man's own Money) for a Year,
 " hath been adjudged excessive Receiving and
 " Gaining from another Man, tho' it be for
 " lending of his own Money ; and therefore
 " now no Man may take above + 8*l.* for the
 " Loan of 100*l.* for one Year : And yet by this
 " corrupt Custom of Tithing, there is taken of
 " the Husbandman, by the Ministers and Im-
 " propriators, Use upon Use, after the Rate of
 " 10*l.* in the Hundred, not for lending their
 " own Money, but of another's (the Husband-
 " man's) Money.

D d

" Can

* Neither does the Minister give any thing to the Quakers.

+ This was at that Time the Interest allow'd by Law, which being now but five Pounds for the Hundred, makes the Grievance at this Day the greater.

" Can any Man live upon a more ungodly
 " Way of Maintenance than this of Tithes?
 " It being worse than that of Use for lending of
 " Money condemned by the Statute Law
 " of this Land. Jer. xxii. 13. *Wo unto him*
 " *that buildeth his House by Unrighteousness, and*
 " *his Chambers by Wrong; that useth his Neigh-*
 " *bour's Service without Wages, and giveth him*
 " *not for his Work.* Or can any Man be in a
 " more slavish Condition than the Husbandman
 " is in, to pay Use upon Use after the Rate of
 " 10*l.* in the Hundred for his own Money and
 " Labour, and *weary himself for very Vanity?*
 " as the Prophet said of those that were under
 " Oppression among the *Jews* in his Days,
 " Hab. ii. 13. yea, wear out himself and his
 " Stock to enrich another Man.

" Now whether the taking the *Tenth* of the
 " Husbandman's Stock, and the *Tenth* of his
 " Year's Labour, by taking the *Tenth* of his Crop
 " under the Name of Tithes, be Oppression or
 " not; and whether it stands with the Justice
 " of the Moral Law of God, and the Law of
 " Nature, or sound Natural Reason; and whe-
 " ther it stands with the Honour of a Christian
 " Nation, where Men profess Christianity and
 " the Power of Godliness, that one Man should
 " be a Slave to another, yea devour another like
 " the Beast in the Field; and that the Husband-
 " men should continue under the Yoke and
 " Burden of such a Law and Custom, that it
 " should be impossible for them, in an ordinary
 " Way of God's Providence in their Callings, to
 " lay

" lay up any thing for Posterity, or live comfortably in this present Life, we leave to every reasonable Man to judge.

" That this is true, that the Earth brings forth no more Increase than is before-mentioned, the Husbandman can tell by Experience ; and it is possible for any rational Man to prove, that lives in any Parish in this Kingdom, if that he take a true Survey or Account of every Man's Crop in that Parish what it is worth at Harvest, and what it stands him in, as of *Rent, Seed, Dunging, Liming, Chalking, and Marling* of the Ground, *Ploughing, Weeding, and Cutting* of the Corn.

" By this Demonstration the Reader may perceive, that the Husbandman doth pay Use upon Use after the Rate of 10*l.* in the Hundred, for all that Part of his Stock that he lays out in his Crop of Corn and Cattle, which doth amount unto 8*l.* in the Hundred (within a Little) for all the Husbandman's Stock of Horse, Harness, Ploughs, Carts, and other Implements of Husbandry ; yea for the Bed that he lies upon, and his *Brafs Pots* and *Kettles*, yea, for the Stools and Forms, that he and his Children and Servants sit upon ; for 50*l.* at 8*l.* in the 100*l.* is worth 40*l.* per Annum, and the *Titbe-Hay*, and *Corn*, and *Titbe-Calves, Milk, Lamb, and Wool, Piggs, Eggs*, and all other Things that the *Titbe-Mongers* will have to be Titheable, will be worth 40*l.* per Annum where they are taken in kind in a

" Farm of 100*l.* per Annum Rent, and that consists of Tillage. And we can instance in some Men that have paid 40*l.* per Annum for Tithe-Corn, Wool and Lamb, in a Farm of Tillage, not much more *per Annum* than 100*l.* but in few Years it did undo some of them.

" And thus the Reader may perceive, that the Husbandman's Stock raises and advances the Minister's and Impropiator's Families, and provides Stocks for their Children, if they would live but as sparingly, and fare as hard as the Husbandmen do : And the Husband man by this Means cannot provide any thing for his own Children : Now 35*l.* per Annum, which is the Value of the Tithe of the Husbandman's Crop of Corn will raise in twenty one Years 735*l.* to the Minister or Impropiator, besides the other Tithe of Wool and Lambs, Calves, Milk, Piggs, &c. that may make it up 800*l.* or 840*l.* in 21 Years : And the Husbandman out of whose Stock and Labour those Sums of Money aforesaid are raised, shall be never the Richer at the 21 Years End, than he was at the Beginning thereof, when he brought the 500*l.* Stock to such a Farm as aforesaid ; but if that he have kept his Stock whole at the 21 Years End, to divide among his Children, he thinks that he hath sped well and plaid the good Husband.

Objection. " But some Man, it may be, will object, that the Husbandman hath lived upon

" upon his Stock and brought up his Children
" with it.

Answer. " The Husbandman and his Wife
" have not lived upon their Stock, and brought
" up their Children with it ; but the Husband-
" man, his Wife and Children, have lived upon
" their Labour ; for the Husbandman, his Wife
" and Children earn as much as will keep them
" as well as they are kept, if they were paid for
" their Labour, but as he pays the Day-La-
" bourer for his Labour. And thus the Hus-
" bandman gives away all the Profit of the Use
" of his Stock after the Rate of 8*l.* in the Hun-
" dred of what Value soever the Stock be, ac-
" cording to the Greatness of his Farm:

" And the Reader may observe, that the
" *Tithe-Corn* in every Parish where the Land is
" arable, doth amount unto the *third* Part of
" the Yearly Value of all the Land in the
" Parish, although that the Husbandman's Stock
" increase never a Penny ; because the Tithe is
" the *Tenth* of all the Husbandman's Stock laid
" out in the Crop.

" And the Reader may observe that the Tenant
" that rents the Land doth gather up all the
" Purchaser's or Landlord's Money (that he laid
" out in the Purchase of the Land) in the Term
" of 20 Years the Purchaser shall have all his
" Money again that he laid out for the Land,
" and the Land beside. So the Purchaser doth
" double his Stock in 20 Years; But the
" Tenant

" Tenant who lays out a Stock of the Value of
 " the fourth Part of the Purchase, shall have
 " nothing for the Use of his Money : It is as
 " good Reason that the Tenant's Stock should
 " increase something as the Purchaser's.

" We conclude this Demonstration of the
 " Oppression of Tithes, with that of Solomon,
 " Eccl. iv. Vers. 1, 2, 3, 4. So I returned, and
 " considered all the Oppressions that are done under
 " the Sun, and behold the Tears of such as were
 " oppressed, and they had no Comforter ; and on
 " the Side of their Oppressors there was * Power,
 " but they had no Comforter. Wherefore I prai-
 " sed the Dead which are already Dead more than
 " the Living which are yet alive. Yea, better is
 " he than both they, which hath not yet been, who
 " hath not seen the Evil Work that is done under
 " the Sun. Again I considered all Travell and
 " every right Work, that for this a Man is envied
 " of his Neighbour : This is also Vanity and Vexa-
 " tion of Spirit. Even so the Husbandman's
 " Labour is envied him ; and others by a State-
 " Policy live on his Labour."

We submit the foregoing Demonstration of the Husbandman to the Perusal and Consideration of the Judicious and Impartial Reader ; who, if he shall judge the same to be rational and convincing,

* Those Persons whom the Text stiles Oppressors
 had Power or Law on their Side,

vincing, will, no doubt, join with us in this Conclusion, viz.

That the Clergy's *Modern Pretence* to a Property in Tithes is as opposite to right Reason and social Equity, as their *Old Claim* to them by Divine Right was repugnant to the Precepts of Christ, and the *Doctrine* of the Gospel.

F I N



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